S. Hrg. 98-975

CHATTAHOOCHEE NATIONAL RECREATION AREA, GA; AND MONO LAKE AREA, CA

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 1218

A BILL TO AMEND THE ACT OF AUGUST 15, 1978, REGARDING THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IN THE STATE OF GEORGIA

H.R. 2645

AN ACT TO AMEND THE ACT OF AUGUST 15, 1978, REGARDING THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IN THE STATE OF GEORGIA

S. 1331

A BILL TO ESTABLISH THE MONO LAKE NATIONAL MONUMENT IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES

H.R. 1341

AN ACT TO ESTABLISH THE MONO BASIN NATIONAL FOREST SCENIC AREA IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES

MAY 17, 1984

Printed for the use of the Committee on
Energy and Natural Resources

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James A. McClure and J. Bennett Johnston are Ex Officio Members of the Subcommittee

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CHATTAHOOCHEE NATIONAL RECREATION AREA, GA; AND MONO LAKE AREA, CA

THURSDAY, MAY 17, 1984

U.S. Senate,
Subcommittee on Public Lands and Reserved Water,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room SD-342, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop and Hecht.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator Wallop. Good morning. The Subcommittee on Public Lands and Reserved Water will hear testimony on four bills this morning—S. 1218 and H.R. 2645 dealing with the Chattahoochee National Recreation Area in Georgia, and S. 1331 and H.R. 1341 dealing with special designation of the Mono Lake area in California.

Without objection, I will place a copy of each of these bills into the hearing record. The hearing record will remain open for 2 weeks after today, during which time written testimony on any of these measures can be submitted to the subcommittee.

We have Senators and Members of the House who wish to testify on bills in which they have an interest or which they are sponsoring. Due to their busy schedules, Senators and Congressmen will be heard as they appear. I ask the indulgence of other witnesses if it becomes necessary to change the order of testimony in order to accommodate the members.

I am going to ask each witness to limit their oral testimony to 5 minutes. Additional details may be provided in writing, and your full statement will be inserted into the hearing record.

We will hear testimony on the Mono Lake bill first since the Forest Service representative has another hearing to attend this morning. I have a statement from Senator Pete Wilson which he may be able to deliver in person, but he is at an important hearing of the Armed Services Committee. They are beginning to mark up the budget on that this morning, and he will try to get here, but his duties at least for the moment require him to be there, so the next witness we have is our colleague from California, the Honorable Alan Cranston.

[The prepared statements of Senator Wallop and Senator Wilson and the texts of the bills follow:]

OPENING STATEMENT OF MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

MAY 17, 1984 SD-342
9:30 A.M.

GOOD MORNING. THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER WILL HEAR TESTIMONY ON FOUR BILLS. S. 1218 AND H.R. 2645 DEALING WITH THE CHATTAHOOCHEE NATIONAL RECREATION AREA IN GEORGIA, AND S. 1331 and H.R. 1341 DEALING WITH SPECIAL DESIGNATION OF THE MONO LAKE AREA IN CALIFORNIA. WITHOUT OBJECTION, I WILL PLACE A COPY OF EACH OF THE BILLS IN THE HEARING RECORD.

THE HEARING RECORD WILL REMAIN OPEN FOR TWO WEEKS AFTER TODAY DURING WHICH TIME WRITTEN TESTIMONY ON ANY OF THESE MEASURES CAN BE SUBMITTED TO THE SUBCOMMITTEE.

WE HAVE SENATORS AND CONGRESSMEN WHO WISH TO TESTIFY ON BILLS IN WHICH THEY HAVE AN INTEREST OR WHICH THEY ARE SPONSORING. DUE TO THEIR BUSY SCHEDULES, SENATORS AND CONGRESSMEN WILL BE HEARD AS THEY APPEAR. I ASK THE INDULGENCE OF OTHER WITNESSES IF IT BECOMES NECESSARY TO CHANGE THE ORDER OF TESIMONY TO ACCOMMODATE THE MEMBERS.

I WOULD ASK THE WITNESSES TO LIMIT THEIR ORAL TESTIMONY TO 5 MINUTES EACH. ADDITIONAL DETAILS MAY BE PROVIDED IN WRITING. WE WILL HEAR TESTIMONY ON THE MONO LAKE BILL FIRST SINCE THE FOREST SERVICE REPRESENTATIVE HAS ANOTHER HEARING TO ATTEND THIS MORNING.

TESTIMONY BY SENATOR PETE WILSON
SUBMITTED TO THE SUBCOMMITTEE ON PUBLIC LANDS & RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES

THURSDAY, MAY 17, 1984

Mr. Chairman and members of the subcommittee, I appreciate the time you are taking to hear testimony on legislation relating to Mono Lake. Over the past few years, this issue has received much attention in the California and national press, and has been the subject of tens of thousands of constituent letters. With favorable action by this committee, we can close the book on one of the most contentious environmental issues that California has wrestled with in the past decade.

I support H.R. 1341, the House-passed bill that would establish the Mono Basin National Forest Scenic Area. This bill is the result of lengthy hearings and negotiations. As you will hear in later testimony, it has the support of all affected parties, including the State of California, the County of Mono, the lakeside City of Lee Vining, the Mono Lake Committee, the City of Los Angeles, the local and national environmental groups, and the area congressmen. In fact, I know of no opposition to this bill.

Mono Lake deserves national recognition. Its unique tufa tower formations and isolated landscape, banked by the towering Sierra Nevada mountains to the West, create a surreal kind of beauty. The lake is a photographer's favorite and is visited by hundreds of thousands of tourists every year. Designating this lake as a national scenic area would constitute a worthwhile contribution to our nation's inventory of preserved national treasures.

In closing, let me assure the chairman that H.R. 1341 has included language that expressly prohibits any federal interference with existing state water rights to Mono Lake. I share the chairman's general concern that state water rights not be interfered with by this or any other legislation, and I am pleased to report that H.R. 1341 follows in this tradition.

Again, I appreciate your attention to this matter and urge your favorable and speedy action on this legislation.

II

98TH CONGRESS
1ST SESSION

S. 1218

To amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia.

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, MAY 2), 1983

Mr. NUNN (for himself and Mr. MATTINGLY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 101 of the Act of August 15, 1978, entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes" (Public Law 95-344; 16 U.S.C. 460ii) is amended by inserting "a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in" after "other values of".

(b) Section 101 of such Act is amended—

(1) by striking out "numbered CHAT-20,000, and dated July 1976" and substituting "numbered , and dated , 1983"; and

(2) by striking out "six thousand three hundred acres" and substituting "approximately 7,328 acres".

(c) Section 102 of such Act is amended by adding the following new subsections at the end thereof:

"(f)(1) The Secretary shall identify for exchange those lands (hereinafter referred to as 'exchange lands') owned by the United States which—

"(A) were within the boundaries of the recreation area (as depicted on the map entitled 'Chattahoochee River National Recreation Area', numbered CHAT-20,000, and dated July 1976) before the date of the enactment of this subsection; and

"(B) are not within such boundaries as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered , and dated , 1983).

Where possible the Secretary shall exchange such exchange lands for non-Federal lands which are within the boundaries of the recreation area as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered , and dated , 1983). The values of lands exchanged under this subsection shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

"(2) After the date ten years after the date of the enactment of this subsection, the Secretary, in consultation with the Advisory Commission, shall review—

"(A) the exchange lands identified under paragraph (1) which have not been exchanged, and

"(B) the remaining non-Federal lands which are within the boundaries of the recreation area as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered , and dated , 1983) which are unlikely to be available or suitable for exchange or purchase by the Secretary.

On the basis of such review, the Secretary shall determine which of the exchange lands should be disposed of and which of such lands should be retained in Federal ownership and included within the recreation area.

"(3)(A) The exchange lands which the Secretary determines, under paragraph (2), to be unsuitable for inclusion in the recreation area may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(B) In the case of the exchange lands which the Secretary determines, under paragraph (2), to be suitable for inclusion in the recreation area, the Secretary shall publish a revision of the boundary map referred to in section 101 to include such areas. Upon publication of such revised map, such areas shall be included within the recreation area and shall be administered as provided in section 103.

"(g)(1) No lands, waters, or interests therein may be acquired under this Act without the consent of the owner thereof if the property concerned is used for single family residential purposes unless, after its inclusion in the recreation area—

"(A) a permit is applied for to permit the use of the property for any purpose other than single family residential purposes; or

"(B) the property is used or altered in a manner which will have an adverse effect on the values and purposes for which the recreation area was established and the owner has failed or refused, after reasonable notice from the Secretary, to take reasonable steps to correct such adverse effects.

"(2) No lands, waters, or interests therein may be acquired under this Act without the consent of the owner thereof if the property concerned is used for agricultural purposes unless, after its inclusion in the recreation area—

"(A) a permit is applied for to permit the use of the property for any purpose other than agricultural purposes; or

"(B) the property is used or altered in a manner which will have an adverse effect on the values and purposes for which the recreation area was established and the owner has failed or refused, after reasonable notice from the Secretary, to take reasonable steps to correct such adverse effects.

"(3) If an owner of lands or interests therein within the recreation area intends to transfer any such lands or interest to persons other than the owner's immediate family, the owner shall notify the Secretary in writing of such intention. Within sixty days after receipt of such notice, the Secretary shall respond in writing as to his interest in exercising a right of first refusal to purchase fee title or lesser interests. If, within such sixty days, the Secretary declines to respond in writing or expresses no interest in exercising such right, the owner may proceed to transfer such interests. If the Secretary responds in writing within such sixty days and expresses an interest and intention to exercise a right of first refusal, the Secretary shall exercise such right within ninety days after the date of the Secretary's response. If the Secretary fails to initiate action to exercise such right within such ninety days, the owner may proceed to otherwise transfer such lands or interest. Nothing in this paragraph shall be construed to impair or affect the authority of the Secretary to subsequently acquire such lands, or any interest therein, under this Act.

"(4) As used in this subsection—

"(A) The term 'single-family residential purposes' means use for a single-family dwelling, the construction of which began before January 1, 1983. Property used for single-family residential purposes includes the entire tract of land (determined as of January 1, 1983, in accordance with applicable deeds and property tax records) on which the dwelling and appurtenant buildings are located and which is in the same ownership as such dwelling.

"(B) The term 'agricultural purposes' means production of food or fiber except that such term does not include commercial timber operations.

"(C) The term 'immediate family' when used with respect to a property owner means the spouse, brother, sister, parent, or child of such property owner. Such term includes a person bearing such relationships through adoption and a stepchild shall be treated as a natural born child for purposes of determining such relationship.".

(d)(1) Section 104 of such Act is amended by adding the following at the end thereof:

"(d) Any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which constructs any water supply project or other project (including any dam, water conduit, reservoir, power house, road, or transmission line) which adversely affects the recreation area shall mitigate such adverse effects by acquisition of replacement lands of comparable resource value within the corridor referred to in section 101. Such replacement lands shall be acquired only after consultation with the Secretary. Any lands acquired under this subsection shall be included in the recreation area and transferred to the Secretary for management under this Act.".

(2) Nothing in any amendment made by this Act shall affect the provisions of section 104 regarding the construction of water resources projects.

(e) Section 105(a) of such Act is amended by striking out "$72,900,000" and substituting "$84,600,000".

(f) Title I of such Act is amended by adding the following at the end thereof:

"Sec. 106. (a) There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this Act referred to as the 'Advisory Commission'). The Advisory Commission shall be composed of the following twelve voting members appointed by the Secretary to serve for terms of five years—

"(1) four members appointed from among individuals recommended by local governments—

"(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

"(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

"(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

"(D) one of whom shall be recommended by the Board of County Commissioners of Gwinnett County;

"(2) one member appointed from among individuals recommended by the Governor of Georgia;

"(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

"(4) two members appointed from among individuals recommended by a coalition of citizens public interest groups and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

"(5) two members appointed from among individuals recommended by the Georgia Chamber of Commerce or by a local chamber of commerce in the vicinity of the recreation area; and

"(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Administrator for the recreation area shall serve as a nonvoting member of the Advisory Commission. Any voting member of the Advisory Commission may be reappointed for one additional five-year term. The Advisory Commission shall designate one of its members as Chairman.

"(b) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

"(c) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.".

SEC. 2. Any provision of any amendment made by this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1983.

○

II

98TH CONGRESS
2D SESSION

H. R. 2645

IN THE SENATE OF THE UNITED STATES

MARCH 6 (legislative day, MARCH 5), 1984

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Act of August 15, 1978, entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes" (Public Law 95-344; 16 U.S.C. 460ii) is amended by adding the following at the end thereof: "For purposes of facilitating Federal technical and other support to State and local governments to assist State and local efforts to protect the scenic, recreational, and natural values of a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment referred to above, such corridor is hereby declared to be an area of national concern.".

(b) Section 101 of such Act is amended—

(1) by striking out "numbered CHAT-20,000, and dated July 1976" and substituting "numbered CHAT-20,003, and dated February 1984"; and

(2) by striking out "six thousand three hundred acres" and substituting "approximately 7,328 acres".

(c) Section 102 of such Act is amended by adding the following at the end thereof:

"(f)(1) The Secretary shall identify for exchange those lands (hereinafter referred to as 'exchange lands') owned by the United States which—

"(A) were within the boundaries of the recreation area (as depicted on the map entitled 'Chattahoochee River National Recreation Area', numbered CHAT-20,000, and dated July 1976) before the date of the enactment of this subsection; and

"(B) are not within such boundaries as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered CHAT-20,003, and dated February 1984).

Where possible the Secretary shall exchange such exchange lands for non-Federal lands which are within the boundaries of the recreation area as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered CHAT–20,003, and dated February 1984). The values of lands exchanged under this subsection shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

"(2) At three year intervals after the date of the enactment of this subsection, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

"(3) Effective on the date ten years after the date of the enactment of this subsection, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership and included within the recreation area.

"(4) The Secretary shall publish a revision of the boundary map referred to in section 101 to include within the boundaries of the recreation area the exchange lands which are retained in Federal ownership under paragraph (3). Upon publication of such revised map, such areas shall be included within the recreation area and shall be administered as provided in section 103.".

(d) Section 104 of such Act is amended by adding the following at the end thereof:

"(d)(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any water supply project or other project (including any dam, water conduit, reservoir, powerhouse, road, or transmission line) which adversely affects the lands within the recreation area shall mitigate such adverse effects by acquisition of replacement lands of equivalent acreage. Such replacement lands shall be acquired only after consultation with the Secretary and with the Governor of Georgia.

"(2) In acquiring replacement lands under paragraph (1), first priority shall be given to acquisition of lands within the 2,000 foot wide corridor referred to in section 101. Any such lands acquired under this subsection shall be included in the recreation area and transferred to the Secretary for management under this Act.

"(3) If lands within the 2,000 foot wide corridor referred to in section 101 are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.".

(e)(1) Section 105(a) of such Act is amended by striking out "$72,900,000" and substituting "$84,600,000" and by adding the following at the end thereof "For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(a)(3)), the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.".

(2) Section 105(c) of such Act is amended by striking out "three years" and substituting "seven years".

(3) Section 105 of such Act is further amended by adding the following new subsection at the end thereof:

"(d)(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 101 which may have a direct and adverse effect, the head of such department, agency, or instrumentality shall—

"(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

"(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

"(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act.

"(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

"(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

"(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

"(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

"(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

"(A) those necessary for safeguarding of life and property;

"(B) those necessary to respond to a declared state of disaster;

"(C) those necessary to respond to an imminent threat to national security; and

"(D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled 'Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers', dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.".

(f) Title I of such Act is amended by adding the following at the end thereof:

"Sec. 106. (a) There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this Act referred to as the 'Advisory

Commission') to advise the Secretary regarding the management and operation of the area, protection of resources with the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the following thirteen voting members appointed by the Secretary:

"(1) four members appointed from among individuals recommended by local governments—

"(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

"(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

"(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

"(D) one of whom shall be recommended by the Board of County Commissioners of Gwinett County;

"(2) one member appointed from among individuals recommended by the Governor of Georgia;

"(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

"(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

"(5) one member appointed from among individuals recommended by the Georgia Chamber of Commerce or by a local chamber of commerce in the vicinity of the recreation area; and

"(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

"(b)(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting member of the Advisory Commission may be reappointed for one additional three-year term.

"(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

"(c) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

"(d) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

"(e) Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Commission shall terminate on the date ten years after the date of the enactment of this subsection.".

SEC. 2. Any provision of any amendment made by this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1984.

Passed the House of Representatives March 5, 1984.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

98TH CONGRESS
1ST SESSION

S. 1331

To establish the Mono Lake National Monument in the State of California, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 16), 1983

Mr. CRANSTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Mono Lake National Monument in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF NATIONAL MONUMENT

SECTION 1. The area adjacent to the Inyo National Forest in the State of California, as generally depicted on a map entitled "Mono Lake National Monument" dated February 8, 1983, and numbered 1983-2, is hereby designated as the Mono Lake National Monument (hereafter in this Act referred to as the "Monument"). Such map shall be on file and available for public inspection in the office of the Forest Supervisor, Inyo National Forest and in the office of the Chief of the Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") may make minor revisions in the boundary of the Monument after publication of notice in the Federal Register and submission of notice thereof to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such notice shall be published and submitted at least sixty days before the revision is made.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 2. (a) The exterior boundary of the Inyo National Forest is hereby extended to include the area within the boundaries of the Monument. Any lands, waters, and interests therein acquired pursuant to section 3 shall become part of the national forest system.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–4 through 4601–11), the boundary of the Inyo National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1964.

ACQUISITION

SEC. 3. (a) The Secretary shall acquire all lands, waters, and interests therein within the boundaries of the

Monument by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds, except that—

(1) the Secretary may acquire mineral and geothermal interests within the boundaries of the Monument only by donation or exchange;

(2) any lands, waters, or interests therein within the boundaries of the Monument which are owned by the State of California or any political subdivision thereof may be acquired only by donation or exchange; and

(3) lands, waters, or interests therein within the boundaries of the Monument which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being used, or proposed to be used, in a manner which is detrimental to the integrity of the Monument or which is otherwise incompatible with the purposes of this Act.

(b) Not later than six months after the date of the enactment of this Act, the Secretary shall publish specific guidelines under which determinations shall be made under paragraph (3) of subsection (a). No use which existed prior to

December 31, 1982, within the area included in the Monument shall be treated under such guidelines as a detrimental or incompatible use within the meaning of such paragraph (3).

(c) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of any exchange of mineral or geothermal interest authorized by this Act. In the course of preparing the assessment, the Secretary shall conduct at least one public hearing in the vicinity of the mineral or geothermal interests to be conveyed by the United States in such exchange. Any exchange of mineral or geothermal interests may be made by the Secretary only after providing the committees referred to in section 1 of this Act thirty days' notice of his intention to do so.

ADMINISTRATION

SEC. 4. (a) The Secretary, acting through the Chief of the Forest Service, shall adminster the Monument as a separate unit within the boundary of the Inyo National Forest, in accordance with the laws generally applicable to the national forest system, and in accordance with the provisions of this Act. All administrative jurisdiction of the Secretary of the Interior over areas within the boundaries of the Monument shall, upon enactment of this Act, be transferred to the Secretary of Agriculture.

(b)(1) The Secretary shall manage the Monument to protect its geologic, ecologic, and cultural resources. The Secretary shall provide for recreational use of the Monument and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs. The Secretary shall permit the full use of the Monument for scientific study and research in accordance with such rules and regulations as he may prescribe.

(2) The Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the Monument or (B) cause substantial damage to significant resources adjacent to the Monument.

(c) The Secretary shall permit those individuals holding currently valid grazing permits within the boundaries of the Monument to continue to exercise existing rights consistent with other applicable law. Such existing grazing permits may be reissued, as required, to the current grazing permit holder as of the date of enactment of this Act. No grazing permits shall be issued to any person other than those authorized by this paragraph.

(d) The Secretary may enter into cooperative agreements with the State of California and any political subdivision thereof, including the city of Los Angeles, for purposes of protecting Monument resources and administering areas owned by the State or by any such political subdivision which are within the Monument.

(e) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 1, a detailed and comprehensive management plan for the Monument. The plan shall include but not be limited to—

(1) an inventory of natural (including geologic) and cultural resources,

(2) general development plans for public use facilities, including cost estimates, and

(3) measures for the preservation of the natural and cultural resources of the Monument.

Such plan shall provide for hunting and fishing (including commercial brine shrimp operations authorized under State law) within the Monument in accordance with applicable Federal and State law, except to the extent otherwise necessary for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment.

(f) The Secretary shall construct a visitor center within the boundaries of the Monument, adjacent to United States Highway 395, for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the natural and cultural resources (past, present, and future) of the Monument. The visitor center shall be completed no later than three years after the date of enactment of this Act.

(g) Subject to valid existing rights, federally owned lands, waters, and interests therein within the Monument are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

(h) Nothing in this Act shall be construed to reserve any water for purposes of the Monument or to affirm, deny, or otherwise affect the present (or prospective) water rights of any person or of the State of California or of any political subdivision thereof, including the city of Los Angeles.

(i)(1) The Act approved June 23, 1936, entitled "An Act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, California, certain public lands in California; and granting rights-of-way over public lands and reserved lands to the city of Los Angeles in Mono

County in the State of California" (49 Stat. 1892), is hereby repealed.

(2) Nothing in paragraph (1) shall be construed to affect any action taken, before the date of the enactment of this Act, under the Act referred to in paragraph (1).

STUDIES

SEC. 5. (a) The Secretary shall, in cooperation with the Secretary of the Interior, the State of California, the city of Los Angeles, and the Mono County Board of Supervisors, study the consumptive use of water diverted from the Mono Lake basin. The study shall include but be not limited to—

(1) estimated demand for consumptive use of water by the city of Los Angeles, from the Mono Lake basin, projected over a fifty-year period, based on current consumption trends and a separate projection based on reduced consumption assuming implementation of any known water conservation measures by the users of such water;

(2) evaluation of Los Angeles' water transport and delivery system and recommendations as to methods and costs therefor, to reduce water loss in the transport and delivery system and to increase the efficiency for water delivery to the user; and

(3) determination of the quantity and cost of alternative water supply based on the projections made in paragraphs (1) and (2) above.

The Secretary shall submit the study report together with his findings and recommendations for legislation to the committees named in section 1(b) no later than five years after the date of enactment of this Act.

(b) The Secretary shall take such steps as may be necessary to, within one hundred and eighty days of the date of enactment of this Act, enter into a contract with the National Academy of Sciences for the purpose of conducting a study of the biological, ecological, historical, and aesthetic values of Mono Lake and the impacts of declining water levels thereon. The study shall provide for consultation with knowledgeable local, State, Federal, and private persons and organizations and shall provide findings and recommendations to the Congress, including but not limited to findings and recommendations concerning—

(1) critical water level needed to support current wildlife populations using Mono Lake;

(2) estimated water evaporation losses from Mono Lake at the critical water level and water inflow to Mono Lake required to maintain the critical water level; and

(3) the estimated water level required to maintain the high scenic values of the Monument.

Such study shall be conducted in accordance with the best scientific methodology (as set forth by the National Academy of Sciences) and shall be transmitted by the National Academy of Sciences to the Committee on Energy and Natural Resources of the United States Senate, to the Committee on Interior and Insular Affairs of the United States House of Representatives, and to the Chief of the Forest Service not later than January 1, 1987. Progress reports regarding the study shall be transmitted to the above committees on January 1, 1985, and January 1 of each year thereafter.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. In addition to other amounts available for such purposes, effective October 1, 1983, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 7. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

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II

98TH CONGRESS
1ST SESSION

H. R. 1341

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 18), 1983

Received; read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

JULY 22 (legislative day, JULY 18), 1983

Committee discharged; ordered referred to the Committee on Energy and Natural Resources, by unanimous consent

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AN ACT

To establish the Mono Basin National Forest Scenic Area in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF NATIONAL FOREST SCENIC AREA

SECTION 1. The area in the Mono Basin within and adjacent to the Inyo National Forest in the State of California, as generally depicted on a map entitled "Mono Basin National Forest Scenic Area" dated June 1983, and numbered 1983–3, is hereby designated as the Mono Basin National Forest Scenic Area (hereafter in this Act referred to as the "Scenic Area"). Such map shall be on file and available for public inspection in the office of the Forest Supervisor, Inyo National Forest and in the office of the Chief of the Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") may make minor revisions in the boundary of the Scenic Area after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such notice shall be published and submitted at least sixty days before the revision is made.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 2. (a) The exterior boundary of the Inyo National Forest is hereby extended to include the area within the boundary of the Scenic Area. Any lands and interests therein acquired pursuant to section 3 shall become part of the national forest system.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–4 through 4601–11), the boundary of the Inyo

National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1964.

ACQUISITION

SEC. 3. (a) The Secretary is authorized to acquire all lands and interests therein within the boundary of the Scenic Area by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds, except that—

(1) the Secretary may acquire mineral and geothermal interests within the boundary of the Scenic Area only by donation or exchange;

(2) any lands or interests therein within the boundary of the Scenic Area which are owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only by donation or exchange; and

(3) lands or interests therein within the boundary of the Scenic Area which are not owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the Scenic Area

or which is otherwise incompatible with the purposes of this Act.

(b)(1) Not later than six months after the date of enactment of this Act, the Secretary shall publish specific guidelines under which determinations shall be made under paragraph (3) of subsection (a). No use which existed prior to June 1, 1983, within the area included in the Scenic Area shall be treated under such guidelines as a detrimental or incompatible use within the meaning of such paragraph (3).

(2) For purposes of subsection (a)(3), any development or proposed development of private property within the boundary of the Scenic Area that is significantly different from, or a significant expansion of, development existing as of June 1, 1983, shall be considered by the Secretary as detrimental to the integrity of the Scenic Area. No reconstruction or expansion of a private or commercial building, including—

(A) reconstruction of an existing building,

(B) construction of attached structural additions, not to exceed 100 per centum of the square footage of the original building, and

(C) construction of reasonable support development such as roads, parking, water and sewage systems shall be treated as detrimental to the integrity of the Scenic Area or as an incompatible development within the meaning of paragraph (3) of subsection (a).

(c) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of any exchange of mineral or geothermal interest authorized by this Act. In the course of preparing the assessment, the Secretary shall conduct at least one public hearing in the vicinity of the mineral or geothermal interests to be conveyed by the United States in such exchange. Any exchange of mineral or geothermal interests may be made by the Secretary only after providing the committees referred to in section 1 of this Act thirty days' notice of his intention to do so.

ADMINISTRATION

SEC. 4. (a) Except as otherwise provided in this Act, the Secretary, acting through the Chief of the Forest Service, shall administer the Scenic Area as a separate unit within the boundary of the Inyo National Forest in accordance with the laws generally applicable to the national forest system. All administrative jurisdiction of the Secretary of the Interior over areas within the boundary of the Scenic Area is, upon enactment of this Act, hereby transferred to the Secretary of Agriculture.

(b)(1) In a manner consistent with the protection of the water rights of the State of California or any political subdivision thereof (including the city of Los Angeles) or of any person, to the extent that such water rights have been granted or modified under the laws of the State of California, the Secretary shall manage the Scenic Area to protect its geologic, ecologic, and cultural resources. The Secretary shall provide for recreational use of the Scenic Area and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs. The Secretary shall permit the full use of the Scenic Area for scientific study and research in accordance with such rules and regulations as he may prescribe.

(2) No commercial timber harvesting shall be permitted in the Scenic Area, but the Secretary shall permit noncommercial woodgathering for private purposes in accordance with such regulations as he may prescribe to protect the natural and cultural resources of the Scenic Area. The Secretary may take action to control fire, insects, and diseases that might—

(A) endanger irreplaceable features within the Scenic Area, or

(B) cause substantial damage to significant resources adjacent to the Scenic Area.

(c) The Secretary shall permit those persons holding currently valid grazing permits within the boundary of the Scenic Area to continue to exercise existing rights consistent with other applicable law. Such existing grazing permits may be reissued, as required, to the current grazing permit holder as of the date of enactment of this Act. No grazing permits shall be issued to any person other than those authorized by this paragraph.

(d) The Secretary may enter into cooperative agreements with the State of California and any political subdivision thereof (including the city of Los Angeles) for purposes of protecting Scenic Area resources and administering areas owned by the State or by any such political subdivision which are within the Scenic Area.

(e) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 1, a detailed and comprehensive management plan for the Scenic Area which is consistent with the protection of water rights as provided in subsection (b)(1). The plan shall include but not be limited to—

(1) an inventory of natural (including geologic) and cultural resources,

(2) general development plans for public use facilities, including cost estimates, and

(3) measures for the preservation of the natural and cultural resources of the Scenic Area in accordance with subsections (a) and (b) of this section.

Such plan shall provide for hunting and fishing (including commercial brine shrimp operations authorized under State law) within the Scenic Area in accordance with applicable Federal and State law, except to the extent otherwise necessary for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment.

(f) The Secretary shall construct a visitor center adjacent to United States Highway numbered 395 for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the natural and cultural resources (past, present, and future) of the Scenic Area. The visitor center shall be completed no later than three years after the date of enactment of this Act.

(g)(1) Subject to valid existing rights, federally owned lands and interests therein within the Scenic Area are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal

Steam Act of 1970, and from disposition under the public land laws.

(2) Subject to valid existing rights, all mining claims located within the Scenic Area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area, and any patent which may be issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

(h) Nothing in this Act shall be construed to reserve any water for purposes of the Scenic Area or to affirm, deny, or otherwise affect the present (or prospective) water rights of any person or of the State of California or of any political subdivision thereof (including the city of Los Angeles), nor shall any provision of this Act be construed to cause, authorize, or allow any interference with or infringement of such water rights so long as, and to the extent that, those rights remain valid and enforceable under the laws of the State of California.

(i)(1) The Act entitled "An Act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, California, certain public lands in California; and granting rights-of-way over public lands and reserved lands to the city of Los Angeles in Mono County in the State of California", approved June 23, 1936 (49 Stat. 1892), is hereby repealed.

(2) The Secretary and the Secretary of the Interior shall grant and convey rights-of-way easements, at no cost, to the city of Los Angeles for those rights-of-way on public lands and national forest lands in Mono County, California, as described and set forth in maps and accompanying descriptions which were—

(A) filed by the city of Los Angeles with the Secretary of the Interior on October 24, 1944, and

(B) accepted as proof of construction on behalf of the United States by the Commissioner of the General Land Office on January 4, 1945.

Such easement conveyances shall provide for the right of the city to continue its present operations and to maintain, reconstruct, and replace all existing water and power facilities located within the bounds of the area described in the maps and descriptions referred to in the preceding sentence. The United States shall reserve in the conveyance easements all rights to use and permit the use by others of the lands so conveyed to the extent that such use does not unreasonably interfere with the rights granted herein to the city of Los Angeles.

(3) The grant in paragraph (2) of this subsection shall become effective upon relinquishment in writing by the city of Los Angeles of its applications dated October 20, 1944, and January 17, 1945, to purchase twenty-three thousand eight hundred and fifty acres of Federal land.

(4) The easements granted under paragraph (2) of this subsection shall provide that whenever the city of Los Angeles ceases to use the land or any part thereof subject to such easements for the purposes for which it is currently being used, as of the date of enactment of this Act, all interests in such land or part thereof shall revert to the United States.

(j) Existing community recreational uses, as of the date of enactment of this Act, shall be permitted at the levels and locations customarily exercised.

STUDIES

SEC. 5. The Secretary shall take such steps as may be necessary to, within one hundred and eighty days of the date of enactment of this Act, enter into a contract with the National Academy of Sciences for the purpose of conducting a scientific study of the ecology of the Scenic Area. The study shall provide for consultation with knowledgeable local, State, Federal, and private persons and organizations and shall provide findings and recommendations to the Congress. Such study shall be conducted in accordance with the best scientific methodology (as set forth by the National Academy of Sciences) and shall be transmitted by the National Academy of Sciences to the Committee on Energy and Natural Resources of the United States Senate, to the Committee on Interior and Insular Affairs of the United States House of Representatives, and to the Chief of the Forest Service not later than January 1, 1987. Progress reports regarding the study shall be transmitted to the above committees on January 1, 1985, and January 1 of each year thereafter.

ADVISORY BOARD

SEC. 6. (a) There is hereby established the Scenic Area Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

(1) the administration of the Scenic Area with respect to policies, programs, and activities in accordance with this Act;

(2) the preparation and implementation of the comprehensive management plan; and

(3) the location of the visitor center required by section 4(f).

(b) The Board shall be composed of nine members, who shall be selected as follows:

(1) five members appointed by the Mono County Board of Supervisors;

(2) two members appointed by the Governor of California (one of whom shall be an employee of the California Division of Parks and Recreation);

(3) one member appointed by the mayor of the city of Los Angeles; and

(4) one member appointed by the Secretary (who shall be an employee of the Forest Service).

(c) Each member of the Board shall be appointed to serve for a term of three years except that the initial appointments shall be for terms as follows:

(1) of those members appointed by the Mono County Board of Supervisors one shall be appointed to serve for a term of one year, two for a term of two years, and two shall be for a term of three years;

(2) of those members appointed by the Governor of California one shall be appointed to serve for a term of one year and one shall be appointed to serve for a term of three years;

(3) the member appointed by the mayor of the city of Los Angeles shall be appointed to serve for a term of two years; and

(4) the member appointed by the Secretary shall be appointed to serve for a term of three years.

(d) The members of the Board shall be appointed within ninety days of the date of enactment of this Act. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to the administration of the Scenic Area.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Board and its members in carrying out their duties under this Act.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(h) A majority of those members appointed shall constitute a quorum for the conduct of all business of the Board.

(i) The Board shall terminate ten years from the date of its first meeting.

TRADITIONAL NATIVE AMERICAN USES

SEC. 7. In recognition of the past use of the Scenic Area by Indian People for traditional cultural and religious purposes, the Secretary shall, by regulation, insure nonexclusive access to Scenic Area lands by Indian people for such traditional cultural and religious purposes, including the harvest of the brine fly larvae. Such regulations shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (92 Stat. 469). As a part of the plan prepared pursuant to section 4(e) of this Act, the Secretary shall, in consultation with appropriate Indian tribes, define the past cultural and religious uses of the Scenic Area by Indians.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. In addition to other amounts available for such purposes, effective October 1, 1984, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 9. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

Passed the House of Representatives July 18, 1983.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator **Cranston**. Thank you very much, Mr. Chairman. I am delighted to appear before the Senate Energy and Natural Resources Committee Subcommittee on Public Lands and Reserved Water this morning to testify in support of legislation S. 1331 and H.R. 1341 which would give national recognition to the Mono Lake basin in California.

Situated on the eastern side of the Sierra Nevada Mountains due east of Yosemite National Park, the Mono Basin is an area of geologic wonder. Formed 1 million years ago, Mono Lake is one of the world's oldest lakes. Because it has no outlet, minerals have concentrated in the lake making the water more than twice as salty as the ocean. This high saline content has caused the formation of amazing tufa structures as fresh water springs bubble up through the lake's carbonated brine. Nowhere else in the world can one see the variety of tufa forms that exist at Mono Lake.

Today Mono Lake is a major sanctuary of numerous migratory birds, more than 100 species in all. It is estimated that as many as 50,000 California gulls, 95 percent of those in the State, annually flock to Mono Lake to nest.

Mr. Chairman, many have recognized the uniqueness of the Mono Basin and consider it a national treasure. In the past few years there have been articles about Mono Lake in the National Geographic, the Smithsonian Magazine, Harpers, Sunset, Audubon, the Christian Science Monitor, Sports Illustrated, and a cover story in Life. The legislation before the subcommittee today would confirm that recognition of the Mono Basin.

S. 1331 which I have introduced would designate Mono Lake and its immediate environs as a national monument. Representative Norman Shumway who is with me at the table this morning introduced the very first bill for Mono Lake last year. The House Interior Committee held hearings on the companion House bill, H.R. 1341 sponsored by Congressman Rich Lehman.

Following the hearings, the House committee made several important changes in the legislation, and as a result, the legislation now enjoys broad support.

First, the House committee changed the designation of the area from the Mono Lake National Monument to the Mono Basin National Forest Scenic Area. I continue to feel that national monument is the appropriate designation, but recognize that compromise is necessary.

Second, the House committee reduced the acreage from 73,000 acres to 57,000 acres, not including the lake surface. The committee carefully drew the boundaries of the scenic area to exclude the currently active pumice mine in the southern portion of the Mono Craters and added language to protect valid existing mineral rights and insure continuation of other mining activities at the Black Point area under reasonable regulations to protect the values of the scenic areas.

The House committee also amended language in the bill to make more emphatic that the bill would have no effect one way or another upon California water rights law or on water rights granted to the city of Los Angeles. Because the bill clearly does not affect any water rights issues, the committee deleted the study of Los Angeles' use of water diverted from the Mono Lake Basin. The National Academy of Sciences study of the ecology of the Mono Basin has been retained.

Congressman Rich Lehman and John Seiberling worked hard in crafting these amendments to bring together the many parties with diverse interests in Mono Lake. The fact that the city of Los Angeles has withdrawn its opposition to H.R. 1341 underscores the success of their efforts. I am pleased to add my support to this compromise.

Mr. Chairman, in concluding, I want to reemphasize that Mono Lake merits national recognition as provided in H.R. 1341. Without passage of the bill, Mono Lake is threatened by activities of the Federal Government. Proposed geothermal development, timber harvesting, and Federal land sales can soon alter the landscape of the Mono Lake Basin. Only at the request of the House Interior Committee are the Forest Service and the Bureau of Land Management holding off on geothermal leasing, timber sales and land disposals while this legislation is pending.

We must not delay. I urge the Senate Energy and Natural Resources Committee to approve H.R. 1341 without change at the earliest possible date, and I thank you all.

Senator WALLOP. Thank you very much, Senator Cranston. We appreciate your being here this morning.

[The prepared statement of Senator Cranston follows:]

STATEMENT BY SENATOR ALAN CRANSTON BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER IN SUPPORT OF LEGISLATION (S. 1331 and H.R. 1341) REGARDING THE MONO LAKE BASIN

May 17, 1984

Mr. Chairman, I'm delighted to appear before the Senate Energy and Natural Resources Committee Subcommittee on Public Lands and Reserved Water this morning to testify in support of legislation (S. 1331 and H.R. 1341) which would give national recognition to the Mono Lake Basin in California.

Situated on the eastern side of the Sierra Nevada Mountains due east of Yosemite National Park, the Mono Basin is an area of geologic wonder. Formed a million years ago, Mono Lake is one of the world's oldest lakes. Because it has no outlet, minerals have concentrated in the lake, making the water more than twice as salty as the ocean. This high saline content has caused the formation of amazing tufa structures as freshwater springs bubble up through the lake's carbonated brine. Nowhere else in the world can one see the variety of tufa forms that exist at Mono Lake.

Of even greater geologic significance are the Mono Craters. These craters are an exceptional string of volcanic cones generally south of Mono Lake rising to heights of 9,400 feet. On the south side of Mono Lake is Panum Crater, considered one of the classic volcanos in North America. Another is Black Point, the only fully exposed underwater volcano in the world. The Mono Basin also is remarkable because of the number and variety of fascinating geologic processes that can be found in this one small area. In addition to the tufa spires and volcanic features, there are active glaciers, hotsprings, every kind of fault known to occur on land, alpine crags, preserved ancient land surfaces, giant mountain escarpments, and virtually every kind of glacial deposit known.

Today, Mono Lake is a major sanctuary of numerous migratory birds -- more than 100 species in all. It is estimated that as many as 50,000 California gulls -- 95 percent of those in the state -- annually flock to Mono Lake to nest.

Mr. Chairman, many have recognized the uniqueness of the Mono Basin and consider it a national treasure. In the past few years, there have been articles about Mono Lake in the National Geographic, the Smithsonian Magazine, Harpers, Sunset, Audubon, the Christian Science Monitor, Sports Illustrated, and a cover story in Life.

The legislation before the Subcommittee today would confirm that recognition of the Mono Basin. S. 1331 which I've introduced would designate Mono Lake and its immediate environs as a national monument. Under the bill, some 73,000 acres, the majority of the land presently owned by the federal government and administered by the Forest Service and the Bureau of Land Management, would be administered by the Forest Service. To address the problem of declining lake water levels as a result of water diversions by the City of Los Angeles, the bill calls for two studies. The first study -- to be undertaken by the Secretary of Agriculture in cooperation with the Secretary of Interior, the State of California, the City of Los Angeles, and the Mono County Board of Supervisors -- would estimate the demand for water by Los Angeles over a fifty year period, evaluate the Los Angeles aqueduct system for possible increased efficiences, and consider quantity and cost of alternative water supplies. The second study -- to be conducted by the National Academy of Sciences -- would consider the biological, ecological, historical and aesthetic values of Mono Lake and the need to maintain a critical water level.

The studies are intended to provide information on which to make informed and sound decisions in the future. Last year the California Supreme Court ruled -- in a lawsuit brought by the National Audubon Society and others -- that human and environmental uses of the lake deserve to be taken into account as well as Los Angeles' water needs. A federal court now must rule on the proper balance between protection for the lake and Los Angeles' water requirements. However, as specifically stated in the legislation, S. 1331 in no way affects the lawsuit or existing water rights.

Last year, the House Interior Committee held hearings on the companion House bill, H.R. 1341, sponsored by Congressman Rick Lehman. Following the hearings, the House Committee made several important changes in the legislation -- and as a result the legislation now enjoys broad support.

First, the House Committee changed the designation of the area from the Mono Lake National Monument to the Mono Basin National Forest Scenic Area. I continue to feel that national monument is the appropriate designation, but recognize that compromise is necessary in this regard.

Second, the House Committee reduced the acreage from 73,000 acres to 57,000 acres, not including the lake surface. The Committee carefully drew the boundaries of the scenic area to exclude the currently active pumice mine in the southern portion of the Mono Craters and added language to protect valid existing mineral rights and assure continuation of other mining activities at the Black Point area under reasonable regulations to protect the values of the scenic area.

The House Committee also amended language in the bill to make more emphatic that the bill would have no effect one way or another upon California water rights law or on water rights granted to the City of Los Angeles. Because the bill clearly does not affect any water rights issues, the Committee deleted the study of Los Angeles' use of water diverted from the Mono Lake Basin. The National Academy of Sciences study of the ecology of the Mono Basin has been retained.

Congressmen Rick Lehman and John Seiberling worked hard in crafting these amendments to bring together the many parties with diverse interests in Mono Lake. The fact that the City of Los Angeles has withdrawn its opposition to H.R. 1341 underscores the success of their efforts. I'm pleased to add my support for this compromise.

Mr. Chairman, in concluding I want to reemphasize that Mono Lake merits national recognition as provided in H.R. 1341. Further without passage of the bill, Mono Lake is threatened -- by activities of the federal government. Proposed geothermal development, timber harvesting and federal land sales could soon alter the serene landscape of the Mono Lake Basin. Only at the request of the House Interior Committee are the Forest Service and Bureau of Land Management holding off on geothermal leasing, timber sales and land disposals while the legislation is pending. We must not delay. I urge the Senate Energy and Natural Resources Committee to approve H.R. 1341 -- without change -- at the earliest possible date.

STATEMENT OF HON. NORMAN D. SHUMWAY, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. SHUMWAY. Thank you, Mr. Chairman, distinguished members of the subcommittee. I am delighted to appear before you today and add my voice to those in support of this legislation which is designed to recognize and protect Mono Lake.

During the years it was my privilege to serve as the Representative for Mono County, I became very impressed with the beautiful, unique resources which are located in the Mono Basin. Consequently, I first introduced legislation to protect Mono Lake as a national monument in 1979. Therefore, I am very pleased that we in the House have been able to work out a compromise bill, H.R. 1341, that will help in maintaining the overall integrity of this entire area.

In this regard, much credit is due my colleague from California, the Honorable Rick Lehman.

The Mono Basin is a national treasure that qualifies in every respect for the setting created for the region by H.R. 1341. In stark contrast to many of the resource protection proposals that come before Congress for adoption, this proposal is totally comprised of unique and pristine geological features and wildlife resources that indeed merit national recognition.

The Mono Basin represents unusual beauty during every season and at all times of each day. All of this has been borne out by numerous articles in magazines that have been referred to by Senator Cranston. Indeed there has been a national recognition of the unusual qualities of this area, and that recognition has been taken by units of local government, business groups, and others, all of whom perceive the need to preserve the area and have it recognized by the entire Nation.

I have attached to my testimony a factsheet which I would direct the attention of the members of the subcommittee to for further details about some of these unique characteristics.

I am very aware of the balance that must be maintained between man and nature. It seems to me, Mr. Chairman, that the legislation which we passed in the House last summer was intended to address the serious problems that have emerged in Mono Lake in a manner that is fair to all concerned. This doesn't necessarily represent a victory for any particular side. For example, even though we do provide for Federal statutory protection, we do not attempt to resolve by this legislation the long-standing dilemma about water rights which indeed is a matter to be addressed within and by the State of California.

Mr. Chairman, I also would like to introduce into the record this morning a letter dated March 21, 1984, from California's Gov. George Deukmejian in support of H.R. 1341, and adding his recommendation for the passage of this important legislation.

I commend the subcommittee for pursuing this hearing, and I urge a favorable and a speedy consideration of this bill.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Shumway and Governor Deukmejian's letter follows:]

STATEMENT OF THE HONORABLE NORMAN D. SHUMWAY

Member of Congress
14th District, California

Mr. Chairman and distinguished members of the Subcommittee, I am delighted to appear before you today to add my voice to those in support of legislation to recognize and protect Mono Lake. During the years that it was my privilege to serve as the representative for Mono County, I became very impressed with the beautiful, one-of-a-kind resources located in the Mono Basin, and first introduced legislation to protect Mono Lake as a National Monument in 1979. Correspondingly, I was very pleased that we in the House were able to work out a compromise bill (H.R. 1341) that will help in maintaining the overall integrity of the entire area. In this regard, much credit is due to my colleague from California, the Honorable Rick Lehman.

The Mono Basin is a national treasure that qualifies in every respect for the setting created for the region by H.R. 1341. In stark contrast to many of the resource protection proposals that come before the Congress for adoption, this proposal is totally comprised of unique and pristine geological features and wildlife resources that merit special attention. The Mono Basin represents unusual beauty during every season and at all times of day.

All of this has been borne out in numerous articles which have appeared in national periodicals. Life magazine, Audobon, Smithsonian, National Geographic, the Christian Science Monitor, and Sports Illustrated have published extensive pieces on Mono Lake--giving the location national significance. Moreover, I have been impressed by the great interest taken by local representatives in this matter. Units of local government, business groups and others all perceive the need to preserve the area and have it recognized by the entire nation. I urge the Subcommittee members to review the "Mono Lake Fact Sheet" (attached to my prepared testimony) which describes in detail the characteristics of the Mono Basin.

I am very aware of the balance that must be maintained between man and nature. The legislation passed by the House last summer is intended to address the serious problems that have emerged at Mono Lake in a manner that is fair to all concerned. The provisions contained in H.R. 1341 do not represent a "win or lose" situation for anybody. While the bill provides for limited Federal statutory protection of some of the Basin's resources, it does not attempt to resolve the long-standing water dilemma which is a matter to be addressed within and by the State of California.

I commend this subcommittee for pursuing a solution to this national priority, and urge favorable and expediant consideration of the House-passed legislation.

MONO LAKE FACT SHEET

AESTHETIC VALUES: The Mono Basin is one of America's most spectacular landscapes with 13,000 foot peaks, glaciers, glacial lakes, deep canyons, rushing streams, waterfalls, and volcanos -- all dominated by Mono Lake and its black and white volcanic islands. Mono Lake is one of the oldest continuously existing bodies of water in North America. Its unusual saline and alkaline chemistry, high biological productivity, unique species of brine shrimp, importance to nesting and migratory water birds set it apart from other lakes on earth.

GEOLOGICAL FORMATIONS: The Mono Basin's volcanos are, in many instances, classic examples of volcanic land forms. Black Point, which erupted under the waters of ice-age Mono Lake, is the only fully exposed underwater volcano in the world. The Mono Craters, an extraordinary chain of explosive cones and jagged lava flows, are likely to erupt again within our lifetimes. Negit and Paoha Islands are volcanos that erupted in Mono Lake within the past 2,000 years. The limestone spires and mounds, called tufa, line Mono's shores and are magnificent geological features.

WILDLIFE VALUES: The Mono Basin provides a critical habitat for wildlife, especially thousands of nesting and migratory water birds which depend on the biologically productive Mono Lake ecosystem. The Basin is visited by at least 79 different species of water birds and is the largest nesting ground for California gulls. The watershed also supports a diverse mammal fauna, including a large deer population.

VISITATION AND THE LOCAL ECONOMY: The economy of the Mono Basin is based almost entirely on outdoor recreation in a pristine, natural setting. Over three million people pass through the region each year. In 1978, Inyo National Forest recorded 1,025,200 visitor-use days within the watershed. Recent and forthcoming articles on the Mono Basin in LIFE, SMITHSONIAN, NATIONAL GEOGRAPHIC, AUDUBON, HARPERS and NEW WEST magazines, as well as coverage on national television continue to publicize the Mono Basin's extraordinary scenery and increase visitor-use. Administration by the National Park Service will afford recognition and management commensurate with the value of the resources and the pressures of increased visitation.

PROBLEMS: Water diversions through the Los Angeles Aqueduct since 1941 have reduced the lake's water level by 43 feet. Since diversions were doubled in the early 1970s, the lake level has decreased by an average of 1.5 to 2 feet each year. Salinity has doubled, and 15,000 acres of lake bottom are now exposed -- including the emergence of a land bridge between Negit Island and the shoreline which has enabled predators to disrupt the California gull colony (1979). Alkali dust storms have violated state and federal standards and can be harmful to human health and vegetation in the Mono Basin.

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

GEORGE DEUKMEJIAN
GOVERNOR

March 21, 1984

The Honorable James A. McClure
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I support H.R. 1341, which would establish the Mono Basin National Forest Scenic Area in the State of California, and request that a hearing be scheduled on this matter.

As you may know, when the House considered legislation on Mono Lake last June, I recommended that Congress not designate this lake as a National Monument. At that time, I felt it was inappropriate for Congress to act, because of the legal conflicts involving the City of Los Angeles' water withdrawal from Mono Basin. However, language was subsequently added to clarify that the act and the management plan must be consistent with Los Angeles' water rights as determined under state law.

H.R. 1341 is now a compromise which all parties appear willing to accept. Creation of a scenic area would recognize the beauty and uniqueness of Mono Lake and allow us to continue effective management of our natural resources in this region. Moreover, this legislation will ensure that local concerns are addressed by creating a nine member advisory board and by preserving traditional community and recreational uses.

Thank you for your consideration of my request.

Most cordially,

George Deukmejian

George Deukmejian

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Senator Wallop. Thank you, Congressman Shumway.

Mr. Lehman.

STATEMENT OF HON. RICHARD H. LEHMAN, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. Lehman. Thank you, Mr. Chairman. As the Congressman who has had the good fortune to represent the entire Mono Lake area of California, I want to thank you very much for holding this hearing today.

I sincerely believe that H.R. 1341 as amended by the House represents a fair and balanced approach to decades of controversy which have surrounded the jewel of the eastern Sierra Nevada Mountains—Mono Lake.

With the Sierra Nevadas to the west and the Great Basin to the east, this million-year-old lake contains rare geologic formations known as tufa towers and provides a home for unique aquatic life forms and migratory birds. Mono Lake is stunning in its beauty, yet at times the lake's volcanic formations and islands seem to give it an extraterrestrial appearance. The Mono Basin is an area rich in both human and natural history.

The purpose of H.R. 1341 is quite simple—to give national recognition and protection to that unique piece of our American landscape known as Mono Basin.

Last year when I introduced H.R. 1341, accomplishing this objective seemed a remote possibility. The root of the problem came as no surprise—water. Since the 1940's, the city of Los Angeles has diverted water south from Mono Lake's tributaries in order to meet its growing domestic needs. Needless to say, conflicts over water between northern and southern California usually end in divorce. I am happy to report that in this case, the outcome was different. I cannot promise Congress that northern and southern California will live happily ever after, but we have reached a reconciliation.

Mr. Chairman, the heart of our compromise is to recognize that while one bill or one Congress cannot do everything, we do have an obligation to make a beginning. H.R. 1341 represents that beginning. The bill leaves resolution of the water issue completely in the hands of the State of California. However, since the Federal Government owns 80 percent of the land in the proposed Mono Basin National Scenic Area, we give the area a very special designation and require the U.S. Forest Service to protect the environment surrounding Mono Lake.

I have attached to my testimony a synoposis of H.R. 1341 as amended, but I will here summarize its major features. H.R. 1341 establishes a national scenic area to be administered by the Forest Service.

It recognizes Los Angeles' water rights and does not permit creation of any Federal water rights.

It repeals Los Angeles' right to buy land around Mono Lake at $1.25 an acre but grants permanent easements for existing facilities.

It authorizes a National Academy of Science study to study the ecology of the area, including the impact of the water levels on wildlife.

It recognizes traditional community and recreational uses which exist in the area and clarifies existing private property rights.

Finally, H.R. 1341 sets up an advisory board to ensure consultation with local residents over management of the scenic area.

I would like to take a moment, Mr. Chairman, to emphasize the depth and breadth of the consensus in support of this legislation.

First of all, my colleague and neighbor, Norm Shumway who just testified, formerly represented the Mono Basin area and is the chief cosponsor of H.R. 1341 and has provided unwavering support throughout this endeavor. Senators Alan Cranston and Pete Wilson are the major proponents of H.R. 1341 in the Senate, and my constituents and I are deeply grateful for their leadership on this and other issues.

I would also note that the Governor of California has endorsed H.R. 1341 as amended. I especially commend the city of Los Angeles for sitting down at the table to work out a compromise when other courses of action would have been easier, if less responsible.

For the record, Mr. Chairman, I want to note that supporters of H.R. 1341 include California Congressmen of both parties and all areas of the State, local, and national conservation groups, the Mono County Board of Supervisors, as well as the Mono and Mammoth Lakes Chambers of Commerce. For the first time, northern and southern California have come together to acknowledge that a problem exists in Mono Basin and to find a solution.

I urge this subcommittee to support the compromise H.R. 1341 embodies, and I thank you for your consideration in conducting this hearing.

I will be happy to answer any questions.

[The prepared statement of Mr. Lehman follows:]

HONORABLE RICHARD H. LEHMAN, M. C.
18TH DISTRICT - CALIFORNIA

MR. CHAIRMAN - - -

AS THE CONGRESSMAN WHO HAS THE GOOD FORTUNE TO REPRESENT THE ENTIRE MONO LAKE AREA OF CALIFORNIA, I WANT TO THANK YOU VERY MUCH FOR HOLDING THE HEARING TODAY. I SINCERELY BELIEVE THAT H. R. 1341 AS AMENDED BY THE HOUSE REPRESENTS A FAIR AND BALANCED APPROACH TO DECADES OF CONTROVERSY WHICH HAVE SURROUNDED THE JEWEL OF THE EASTERN SIERRA NEVADA MOUNTAINS -- MONO LAKE. WITH THE SIERRA NEVADAS TO THE WEST AND THE GREAT BASIN TO THE EAST, THIS MILLION-YEAR-OLD LAKE CONTAINS RARE GEOLOGIC FORMATIONS KNOWN AS TUFA TOWERS AND PROVIDES A HOME FOR UNIQUE ACQUATIC LIFE FORMS AND MIGRATORY BIRDS. MONO LAKE IS STUNNING IN ITS BEAUTY. YET AT TIMES THE LAKE'S VOLCANIC FORMATIONS AND ISLANDS SEEM TO GIVE IT AN EXTRATERRESTRIAL APPEARANCE. THE MONO BASIN IS AN AREA RICH IN BOTH HUMAN AND NATURAL HISTORY.

THE PURPOSE OF H. R. 1341 IS QUITE SIMPLE -- TO GIVE NATIONAL RECOGNITION AND PROTECTION TO THAT UNIQUE PIECE OF OUR AMERICAN LANDSCAPE KNOWN AS MONO BASIN.

LAST YEAR WHEN I INTRODUCED H. R. 1341, ACCOMPLISHING THIS OBJECTIVE SEEMED A REMOTE POSSIBILITY. THE ROOT OF THE PROBLEM CAME AS NO SURPRISE -- WATER. SINCE THE 1940'S THE CITY OF LOS ANGELES HAS DIVERTED WATER SOUTH FROM MONO LAKE'S TRIBUTARIES IN ORDER TO MEET ITS GROWING DOMESTIC NEEDS. NEEDLESS TO SAY, CONFLICTS OVER WATER BETWEEN NORTHERN AND SOUTHERN CALIFORNIA USUALLY END IN DIVORCE.

I AM HAPPY TO REPORT THAT IN THIS CASE, THE OUTCOME WAS DIFFERENT. I CANNOT PROMISE THE CONGRESS THAT NORTHERN AND SOUTHERN CALIFORNIA WILL LIVE HAPPILY EVER AFTER, BUT WE HAVE ACHIEVED A RECONCILIATION.

MR. CHAIRMAN, THE HEART OF OUR COMPROMISE IS TO RECOGNIZE THAT WHILE ONE BILL OR ONE CONGRESS CANNOT DO EVERYTHING, WE DO HAVE AN OBLIGATION TO MAKE A BEGINNING. H. R. 1341 REPRESENTS THAT BEGINNING. THE BILL LEAVES RESOLUTION OF THE WATER ISSUE COMPLETELY IN THE HANDS

OF THE STATE OF CALIFORNIA. HOWEVER, SINCE THE FEDERAL GOVERNMENT OWNS 80 PERCENT OF THE LAND IN THE PROPOSED MONO BASIN NATIONAL SCENIC AREA, WE GIVE THE AREA A VERY SPECIAL DESIGNATION AND REQUIRE THE UNITED STATES FOREST SERVICE TO PROTECT THE ENVIRONMENT SURROUNDING MONO LAKE.

MR. CHAIRMAN, I HAVE ATTACHED TO MY TESTIMONY A SYNOPSIS OF H. R. 1341 AS AMENDED BUT I WILL SUMMARIZE ITS MAJOR FEATURES.

-- H. R. 1341 ESTABLISHES A NATIONAL SCENIC AREA TO BE ADMINISTERED BY THE FOREST SERVICE.

-- H. R. 1341 RECOGNIZES LOS ANGELES' WATER RIGHTS AND DOES NOT PERMIT CREATION OF ANY FEDERAL WATER RIGHTS.

-- H. R. 1341 REPEALS LA'S RIGHT TO BUY LAND AROUND MONO LAKE AT $1.25 AN ACRE, BUT GRANTS PERMANENT EASEMENTS FOR EXISTING FACILITIES.

-- H. R. 1341 AUTHORIZES A NATIONAL ACADEMY OF SCIENCE STUDY TO STUDY THE ECOLOGY OF THE AREA, INCLUDING THE IMPACT OF WATER LEVELS ON WILDLIFE.

-- H. R. 1341 RECOGNIZES TRADITIONAL COMMUNITY AND RECREATIONAL USES WHICH EXIST IN THE AREA AND CLARIFIES EXISTING PRIVATE PROPERTY RIGHTS.

-- H. R. 1341 SETS UP AN ADVISORY BOARD TO ENSURE CONSULTATION WITH LOCAL RESIDENTS OVER MANAGEMENT OF THE SCENIC AREA.

I WOULD LIKE TO TAKE A MOMENT, MR. CHAIRMAN, TO EMPHASIZE THE DEPTH AND BREADTH OF THE CONSENSUS IN SUPPORT OF THIS LEGISLATION. FIRST OF ALL, MY COLLEAGUE AND NEIGHBOR CONGRESSMAN NORM SHUMWAY, WHO FORMERLY REPRESENTED THE MONO BASIN AREA, IS THE CHIEF COSPONSOR OF H. R. 1341 AND HAS PROVIDED UNWAVERING SUPPORT THROUGHOUT THIS ENDEAVOR. SENATORS ALAN CRANSTON AND PETE WILSON ARE THE MAJOR PROPONENTS OF H. R. 1341 IN THE SENATE, AND MY CONSTITUENTS AND I ARE DEEPLY GRATEFUL FOR THEIR LEADERSHIP ON THIS AND OTHER ISSUES. I WOULD ALSO NOTE THAT THE GOVERNOR OF CALIFORNIA HAS ENDORSED H. R. 1341 AS AMENDED. I ESPECIALLY COMMEND THE CITY OF LOS ANGELES FOR SITTING DOWN AT THE TABLE TO WORK OUT A COMPROMISE WHEN OTHER COURSES OF ACTION WOULD HAVE BEEN EASIER, IF LESS RESPONSIBLE.

FOR THE RECORD, MR. CHAIRMAN, I WANT TO NOTE THAT SUPPORTERS OF H. R. 1341 INCLUDE CALIFORNIA CONGRESSMEN OF BOTH PARTIES AND ALL

AREAS OF THE STATE; LOCAL AND NATIONAL CONSERVATION GROUPS; THE MONO COUNTY BOARD OF SUPERVISORS; AS WELL AS THE MONO AND MAMMOTH LAKES CHAMBERS OF COMMERCE.

FOR THE FIRST TIME, NORTHERN AND SOUTHERN CALIFORNIA HAVE COME TOGETHER TO ACKNOWLEDGE THAT A PROBLEM EXISTS IN MONO BASIN AND TO FIND A SOLUTION. I URGE THIS SUBCOMMITTEE TO SUPPORT THE COMPROMISE H. R. 1341 EMBODIES, AND I THANK YOU FOR YOUR CONSIDERATION IN CONDUCTING THIS HEARING.

I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

H. R. 1341 As Amended

An Overview by

Congressman Richard Lehman

History

In the 97th Congress, Congressman Shumway represented the Mono Basin area. He first introduced a very large National Monument bill -- 160,000 acres and later sponsored a bill with less acreage (estimates 75,000-94,000 acres). Both of Shumway's bills stipulated National Park Management. One hearing was held, but no action was taken because of strong opposition from Los Angeles.

After redistricting, Congressman Richard Lehman represented Mono Basin in its entirety. Lehman, with Shumway as prime cosponsor, introduced H. R. 1341 to create the Mono Lake National Monument. This bill differed from previous Mono Lake bills by substituting National Forest Service for Park Service management and by having different boundaries (70,000 acres). H. R. 1341's initial water language was identical to Shumway's and stated that nothing in the bill either affected state water rights or created a federal water right.

Two hearings were held on H. R. 1341 in 1983 -- one in Lee Vining, California, and one in Washington, D. C. It became clear that a compromise with Los Angeles would be necessary to move H. R. 1341 through Congress. In addition smaller amendments were needed to address local concerns. Negotiations were completed in June and Los Angeles withdrew its opposition. The bill was supported by both parties in the House Interior Committee and passed the House unanimously on July 18, 1983. Key Republican Members -- Don Young of Alaska, Shumway and Bereuter of Nebraska spoke on the floor in support of the bill.

Both California Senators support H. R. 1341 and have requested Senate hearings.

H. R. 1341 As Amended

Water Rights -- The bill retains language stressing that the bill leaves water rights under the State of California's jurisdiction and that no federal water right is created. Additional language was added to underline the fact that the Act and the management plan must be consistent with Los Angeles' water rights as determined by California.

Designation -- The name of the area was changed at the request of Los Angeles from Mono Lake National Monument to Mono Basin National Forest Scenic Area.

Boundaries -- The scenic area boundaries were shrunk from 70,000 acres to about 57,000 acres, primarily to delete the most active pumice mine at the south end of the craters.

Land Use -- H. R. 1341 as amended is a land use bill. Approximately 80% of land within the proposed scenic area is federally managed, split about equally between the Forest Service (39%) and the Bureau of Land Management (41%). No private acquisition is anticipated.

H. R. 1341 as amended requires a management plan to protect natural and cultural resources and to facilitate visitor use. Geothermal leasing, land sales, and commercial timber harvesting are prohibited. Valid existing mining rights are recognized, but new mineral entry is prohibited. Existing grazing permits will continue.

Local Interests -- To address the concerns of residents in the area, H. R. 1341 added language to:

> Establish a nine member advisory board, with a majority from the local area.
>
> Allow traditional community and recreational uses of the area.
>
> Clarify the use of private property within the area.

Water Studies -- At Los Angeles' request, the study to review LA's water diversions and alternatives was deleted. The National Academy of Science Study was modified to a more general study of the ecology of the Scenic Area.

Costs -- H. R. 1341 as amended would probably cost $3 million or less spread over three fiscal years. Amendments to H. R. 1341 to delete and modify studies will make the cost substantially lower than first estimated.

Land Area --	Acreage	% of Scenic Area
Forest Service	22,308	38.95
BLM	23,340	40.7
State of California	880	1.5
LADWP	6,640	11.59
Private	4,095	7.1
	57,263	

Cosponsors -- Total 84

California Sponsors -- Lehman, Bates, Beilenson, Berman, Bosco, Boxer, Brown, Dellums, Edwards, Fazio, Lantos, Levine, Matsui, Stark, Panetta, Mineta -- Shumway, Chappie, Lagomarsino, Miller, Thomas, Zschau.

Supporters -- Senator Cranston, Senator Wilson, Governor Deukmejian, City of Los Angeles, Mono County Supervisors, Mono County Chamber of Commerce, Mammoth Lakes Chamber of Commerce, Mono Lake Committee, California League of Women Voters, Defenders of Wildlife, Sierra Club, National Audubon Society, Photographic Society of America, Friends of the Earth, Friends of the River.

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House of Representatives

MONO BASIN NATIONAL FOREST SCENIC AREA

Mr. LEHMAN of California. Mr. Speaker, I rise to speak today on behalf of H.R. 1341, a bill to create the Mono Basin National Forest Scenic Area. I am proud to be the author of the original bill and grateful that so many of my colleagues joined together to put aside regional and political differences to save a national treasure. Members of both parties, from California to New York, have worked hard to give national recognition to one very special place in America.

To my colleague JOHN SEIBERLING, I extend my deep appreciation for the countless hours he expended crafting amendments to bring many diverse interests together in unison on H.R.1341. The chairman's efforts went far beyond his duty, and we are tremendously indebted to him for his leadership.

I want to also acknowledge my colleague and neighbor from California, NORM SHUMWAY, who first initiated Mono Lake legislation in the 97th Congress and has been unwavering in his support of our legislation in the 98th Congress.

Another colleague who deserves special recognition for his support of H.R. 1341 is my friend JERRY PATTERSON from southern California. JERRY was instrumental in securing unanimous passage of H.R. 1341 by the House Interior Committee. Only due to an oversight was he inadvertently omitted from the list of over 80 cosponsors.

Mr. Speaker, Mono Basin has many lessons to teach us. Lying at the edge of a vast western mountain chain, this desert basin provides a magnificent geologic setting for the gem of the eastern Sierras—Mono Lake. The basin has taught us historical and geological lessons for many thousands of years. These lessons have been renewed in recent years as national attention has focused on the lake and its environment. Mono Lake is not simply a brief in someone's file cabinet. It is a truly beautiful and "holy place" with lessons for future generations of Americans.

This spring during hearings on H.R. 1341 in Lee Vining, Calif., a native American constituent testified eloquently in support of national recognition saying: "Mono Lake cannot speak for itself today, so we must speak for it."

Mr. Speaker, this is the heart of the matter before us today. The Congress must speak out on behalf of Mono Lake and Mono Basin. We recognize that the water issues so critical to Mono Lake properly belong to the State of California and not the Federal Government. But just because Congress cannot do everything, does not mean we ought not do anything. H.R. 1341 will set forth protective land management practices so that the area surrounding Mono Lake will retain its beauty and desert solitude. Without H.R. 1341, geothermal development, timber harvesting, and Federal land sales threaten the tranquil landscape of Mono Basin.

Mr. Speaker, I would like to set forth for the record exactly what H.R. 1341 does and does not do. H.R. 1341 establishes a national scenic area to be managed by the Forest Service in an area already overwhelmingly — 76 percent — under Federal jurisdiction. This area lies entirely within my congressional district.

H.R. 1341 recognizes Los Angeles' water rights and does not permit the creation of any Federal water rights.

H.R. 1341 repeals the right of the city of Los Angeles to buy land around Mono Lake for $1.25 an acre, but grants permanent easement to Los Angeles for existing facilities.

H.R. 1341 authorizes a National Academy of Science study to determine lake levels needed to maintain critical wildlife in the Mono Basin.

H.R. 1341 recognizes valid existing mineral rights and grazing permits.

H.R. 1341 will allow traditional community and recreational activities to continue on the public lands at the same levels as they have in the past.

H.R. 1341 does not impair Los Angeles' water rights in any way whatsoever. The original water language in my bill is identical to Mr. SHUMWAY'S language in H.R. 5324 of the last Congress. Amendments were added in the House Interior Committee to further clarify that H.R. 1341 leaves the water rights issue to the State of California.

H.R. 1341 is not a Federal land acquisition bill. The land inside the proposed boundary is already 76 percent federally controlled by the Bureau of Land Management and the Forest Service. There is a very small amount of private land — approximately 5,000 acres — and acquisition of that property is not planned.

Mr. Speaker, I believe Mono Basin stands on its own as deserving of national scenic areas status. But for the record, I would like to cite a long and impressive list of bipartisan supporters of H.R. 1341 from all over America as well as from the small western county which I represent. Today, H.R. 1341 has well over 80 cosponsors including Republicans, Democrats, Californians, other westerners, as well as Congressmen representing every other region of the country. National and local conservation groups support Mono Basin legislation. The National League of Women Voters supports creation of the Mono Basin National Forest Scenic Area. The California State Senators and assemblymen representing the Mono Lake area have endorsed the legislation. The Mono County supervisors support H.R. 1341 along with the Mono County Chamber of Commerce and the Mammoth Lakes Chamber of Commerce. The list goes on Mr. Speaker and even includes local churches in my district.

Following Interior Committee amendments, even the city of Los Angeles withdrew its opposition in a spirit of compromise. I recite these supporters to point out that giving Mono Basin national recognition is not just a parochial issue.

John Muir called the Mono Basin a land of "frost and fire" and fought unsuccessfully to make it a part of Yosemite National Park. Since that time, nationally known writers, photographers and scientists have all taken up the cause of Mono Lake and Mono Basin.

Mr. Speaker, H.R. 1341 for the first time brings southern and northern California together in recognition that a problem exists in the Mono Basin. It is clear that we have not arrived at a perfect solution, but is is also unthinkable that we not take this first step together. I commend all my California colleagues, from both sides of the aisle, who struggled together to draft H.R. 1341 as amended, and I urge swift passage of this historic compromise.

Senator WALLOP. Thank you, Congressman Lehman. Let me just ask you, there are some private lands within this designated area, is that correct?

Mr. LEHMAN. That is correct.

Senator WALLOP. And you say that existing property rights are protected. Does that mean that they are protected only insofar as they presently exist and that a change in use of those private property rights can't take place?

Mr. LEHMAN. I believe what we are saying there is that in any existing use in the area would be maintained and would be allowed.

Now what I suspect, and what I believe to be the case is that other uses within the boundaries of the area would be subject, in other words, to approval by the management of the area.

I have personally met with just about every property owner in the basin. They are all constituents of mine, and worked out language which they felt was suitable to them.

Senator WALLOP. But they will have a new restriction on their rights as private property holders that doesn't presently exist?

Mr. LEHMAN. They will not be able to take action that would be detrimental to the scenic area. In other words, they couldn't open up a mine on their property unless they were already mining.

Senator WALLOP. What if they wanted to build two houses instead of the existing house, to build a house on a piece of property that didn't have one?

Mr. LEHMAN. There is language in the bill that allows for some expansion, but if it was a large expansion, they would be subject to restrictions of the area, that is correct.

Senator WALLOP. I appreciate that. Also I appreciate both of your mentioning the water problems as being California problems, and that clearly is something that is near and dear to my heart as it should be to every westerner. I hope you are as vigilant on a number of other threats to that practice as has developed for over 135 years in the water law that presently exists in all kinds of other areas, not the least of which is the Senate bill 1879. S. 1879 if passed in its present form would give the Corps of Engineers condemnation rights which it has never had over water resources for mitigation of wildlife, and it is unrelated to this, but it is terribly related to everything that we think of, and I just sort of want to alert you that there are other problems on our horizon. I think you have satisfied this one, but don't think that it is necessarily going to be a sunny day just because you come from California. We have got some real problems coming as westerners which we must address.

I thank you both for appearing here today.

Mr. SHUMWAY. Thank you.

Senator WALLOP. I don't see any other Members. As they come in, if they would make themselves known, we will accommodate them directly, and with that I will go to the Associate Chief, Dale Robertson. Good morning to you, Dale.

STATEMENT OF F. DALE ROBERTSON, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. ROBERTSON. Mr. Chairman, we appreciate this opportunity to appear before the committee and present the Department of Agriculture's view on two bills—S. 1331 and H.R. 1341 as amended and passed by the House relating to Mono Lake.

The two bills as introduced were identical. They propose establishment of a Mono Lake National Monument to be administered by the Secretary of Agriculture of approximately 68,000 acres containing 27,000 acres of national forest land, 24,600 acres of Bureau of Land Management land, 10,000 acres of Los Angeles Department of Water and Power lands, and about 5,000 acres of private lands, and 1,000 acres of State lands.

The Department of Agriculture recognizes the need for careful planning and management of the Federal lands and support the protection of wildlife and ecological and historical values within the Mono Lake basin. Since May 1979, the management of the Inyo National Forest lands within the proposed scenic area have been guided by the Mammoth-Mono unit plan. The management of the proposed scenic area closely parallels the existing management under this plan.

The administration opposed S. 1331 as introduced and while the House-passed amendments improve H.R. 1341, we continue to have some concerns with H.R. 1341 as passed. However, if the amendments that we are suggesting are adopted, we would support the legislation.

H.R. 1341 was amended in the House to address many of our original concerns. Thus many of the administration's concerns were eliminated. Section 2(a) reduces the boundaries to take out the most active pumice mine and deletes Pumice Valley which contains gravel pits and the county dump.

Section 3(a) authorized but did not explicitly require the Secretary to acquire lands and interests within what now is proposed as a scenic area rather than a national monument.

Section (b)(2) clarifies the use of private property within the scenic area to assure private property owners that existing uses and certain expansion of existing structures will not be considered detrimental to the scenic area.

Section 4(b)(1) specifies that the Secretary is directed to manage the scenic area in a manner consistent with the protection of water rights of the State of California and its political subdivisions, and the House also amended it to eliminate the need for the study of consumptive water uses of Mono Lake, and we urge the Senate to adopt these amendments made by the House.

With these amendments, we still have two remaining concerns with H.R. 1341, however, in the amended form. We cannot agree with the requirements for mandatory expenditures. Significant budgetary expenditures would result from the requirements that the Forest Service construct a visitor information center estimated at $1.5 million, prepare a management plan estimated to cost $420,000, do an ecological study to be conducted under a contract by the National Academy of Sciences estimated at $950,000, and then the maintenance of the visitors center estimated at about $200,000 annually.

Expenditures necessary to carry out these sections with perhaps the exception of the management plan are not justified in terms of overall national priority. These mandatory requirements should either be deleted or made discretionary.

If the scenic area is designated, we would expect to do the planning job as part of the normal planning process on the Inyo National Forest.

We also have serious concerns about the implicit requirements for acquisition of private lands. The amended section 3(a)(3) of H.R. 1341 provides that private lands may be acquired without the consent of the owner if the property is to be developed in a manner detrimental or incompatible with the purposes of the act. "Detrimental" is defined as meaning development significantly different or expanded from the existing uses as of June 1, 1983.

The establishment of the scenic area could encourage further development and result in the Federal Government being forced into costly land acquisitions. We recommend that the potential for excessive acquisition and budgetary costs be remedied by deleting section 3. We would expect that the State and local governments will develop appropriate zoning requirements covering private lands within the scenic area under existing law. The zoning for Federal lands would be done in conjunction with the preparation of the detailed and comprehensive management plan required by section 4(e), and this will help assure that the area is protected and that the Federal Government is not forced into costly land acquisition, and we would be happy to work with the committee, Mr. Chairman, to develop some specific language to implement this recommendation.

Most of the proposed scenic area lies within the Mono-Long Valley known as a geothermal resource area. The bills withdraw the scenic area from geothermal leasing and would foreclose subsequent use of this potential renewable energy resource. We believe further evaluation of the potential for a geothermal resource should be done in the forest management plan, and that if warranted, geothermal development would be permitted.

We recommend that it not be withdrawn in legislation at this time until the further evaluation is done.

Mr. Chairman, if the House amendments are adopted with the further recommendations that we are proposing, we would support the designation of the Mono Lake as a scenic area.

[The prepared statement of Mr. Robertson follows:]

STATEMENT OF
F. DALE ROBERTSON
ASSOCIATE CHIEF, FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and Reserved Water
Committee on Energy and Natural Resources
United States Senate

Concerning S. 1331 and H.R. 1341
May 17, 1984

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

We appreciate the opportunity to appear before the Committee and present the Department of Agriculture's views on two bills S. 1331 and H.R. 1341 as amended and passed by the House, relating to Mono Lake, California.

The two bills as introduced were identical. They propose establishment of a Mono Lake National Monument, to be administered by the Secretary of Agriculture, of approximately 68,000 acres containing 27,000 acres of National Forest System lands, 24,600 acres of Bureau of Land Management lands, 10,000 acres of Los Angeles Department of Water and Power lands, 5,000 acres of private lands and 1,000 acres of State lands.

The Department of Agriculture recognizes the need for careful planning and management of the Federal lands and supports protection of wildlife and ecological and historical values within the Mono Lake Basin. The Forest Service and the Bureau of Land Management both already have legislatively granted authority to coordinate land use plans and activities with each other and with State and local governments. The additional directions and authority contained in H.R. 1341 are not necessary to achieve coordinated resource management between these two agencies.

Since May 1979, management of the Inyo National Forest System lands within the proposed Scenic Area have been guided by the Mammoth-Mono Unit Plan. The management emphasis by the Secretary of Agriculture for the proposed Scenic Area closely parallels the existing management direction, primarily managing watershed, wildlife, and scenic values, and providing such activities as grazing, fuelwood, recreation, minerals development, and geothermal exploration.

The Administration opposed S. 1331 as introduced and while the House passed amendments improves H.R. 1341, we continue to have concerns with H.R. 1341 as passed. However, if the amendments suggested here are adopted, we would support the legislation.

H.R. 1341 was amended in the House to address many of our original concerns. Thus, many of the Administration's concerns were eliminated.

- Section 2(a) reduces the boundaries to take out the most active pumice mine and deleted Pumice Valley which contains gravel pits and the councy dump
- Section 3(a) authorizes but does not explicitly require the Secretary to acquire lands and interests within what now is proposed as a Scenic Area rather than a National Monument
- Section (b)(2) clarifies the use of private property within the Scenic Area to assure private property owners that existing uses and certain expansions of existing structures will not be considered detrimental to the Scenic Area
- Section 4(b)(1) specifies that the Secretary is directed to manage the Scenic Area in a manner consistent with the protection of the water rights of the State of California and its political subdivisions

----- eliminates the need for the study of consumptive water uses of Mono Lake

We urge that the Senate adopt these amendments.

We still have concerns with H.R. 1341, however, in its amended form. We cannot agree with the requirements for mandatory expenditures. Significant budgetary expenditures would result from the requirements:

(1) for the construction of a visitor center estimated at $1.5 million,
(2) for the management plan estimated at $420,000,
(3) for the ecological study to be conducted under contract by the National Academy of Science estimated at $950,000, and
(4) for the maintenance involved in managing the visitor center estimated at $200,000 annually.

Expenditures necessary to carry out these sections are not justified in terms of other national priorities. These mandatory requirements should be deleted or made discretionary. If the Scenic Area is designated, we would expect to do the planning as a part of the Inyo National Forest Management Plan.

We also have serious concerns with the implicit requirements for acquisition of private lands. The amended Section 3(a)(3) of H.R. 1341 provides that private lands maybe acquired without the consent of the owner if the property is to be developed in a manner detrimental or incompatible with purposes of the Act. Detrimental is defined as meaning development significantly different or expanded from that existing as of June 1, 1983.

The establishment of the Scenic Area, could encourage further development and result in the Federal Government being forced into costly acquisitions. We recommend that this potential for excessive acquisition and budgetary costs by remedied be deleting Section 3. We would expect that State and local governments will develop appropriate zoning requirements covering private lands within the Scenic Area under existing law. This zoning done in conjunction with the preparation of the detailed and comprehensive management plan required by Section 4(e), will assure that the area is protected and that the Federal Government is not forced into costly acquisitions. We would be happy to work with the committee to develop specific language to implement this recommendation.

Most of the proposed Scenic Area lies within the Mono-Long Valley Known Geothermal Resource Area. The bills withdraw the Scenic Area from geothermal leasing and would foreclose subsequent use of this potential renewable energy resources. We believe further evaluation of the potential for the geothermal resource should be done in the Forest Management Plan, and that; if warranted, geothermal development should be permitted. We recommend that it not be withdrawn in the legislation at this time.

If the House amendments and our further recommendations are adopted, we would support the designation of the Scenic Area.

Senator **Wallop**. Thank you very much, Chief Robertson. I share your concerns especially on the Forest Service acquisition of private lands. I know right now better than many people perhaps just because of the necessary scope of this committee's study how much in this country is authorized for acquisition presently and cannot be acquired because Congress has more stomach for authorizing than it does for appropriating.

I think we will look into that and see if State and local authorities do not have and would not exercise their zoning authority in this area as being at least a little accountable to the American taxpayer and to those people who have essentially had their private property taken not only in the State of California, but elsewhere in the world. They are limited in what they can do with it except continue to pay the taxes on it. The State has authority to zone in those areas. I think that makes sense.

I also think the committee will look at your recommendations on making those discretionary. There are a lot of expenditures that are in a sort of list of priority around the country, and to move these to the head of the line seems unfair to those who have consistently worked to move their place up in line in the authorization of the expenditures for these kind of public purposes, so we will look at your recommendations and see if we can't accommodate them at least in part.

Mr. **Robertson**. Thank you, Mr. Chairman.

Senator **Wallop**. Next is Leona Power, Deputy Assistant Secretary for Land and Minerals Management as well as Director Russ Dickenson. We will have you both come forward.

STATEMENT OF LEONA A. POWER, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY RICHARD ATWATER, BUREAU OF RECLAMATION

Ms. **Power**. I have with me Richard Atwater from the Bureau of Reclamation who is available to answer any additional questions that you might have on reclamation.

I have a prepared statement that I would like to submit for the record and will summarize that statement briefly.

The Bureau of Land Management is currently responsible for the multiple use management of approximately 160,000 acres of land within the Mono Basin. We have long been concerned about the protection of the unique ecosystem in the basin, and we have invested a considerable amount of time and resources toward this end, including various studies relating to the ecology, water, and visitor use of the area.

We have worked closely with both Federal and State agencies in seeking to determine how best to protect and balance competing resource values of the area. Previous witnesses have already outlined the major provisions in the bill. I am sure you are familiar with that. The Department has testified in opposition to H.R. 1341 in hearings in the House of Representatives.

Our principal reason for opposition at that time was the potential adverse impact the bill could have on Federal, State, and local water rights. However, we believe that the water rights protection language adopted by the House and now present in H.R. 1341 adequately preserves the State of California's primacy and the rights of the city of Los Angeles in the management of those water resources.

While this is a significant improvement in the bill, we understand that the Department of Agriculture still has a number of concerns with the legislation. We share these concerns and due to the transfer of management responsibilities in the proposed bill, we defer to the Forest Service for their specific suggestions in order to resolve these problems.

We believe that the Bureau of Land Management has effectively managed the resources in the Mono Basin and we would be happy to continue that management. However, we recognize that the Forest Service also has the capability to manage this unique area, and therefore, subject to the suggestions made by the Department of Agriculture, we do not object to enactment of H.R. 1341, as amended.

We would suggest, however, that care be taken to ensure that the proposed study by the National Academy of Science does not duplicate data already available that has been obtained by the study that has already been done.

I will be glad to answer any questions that you might have. I appreciate what you said, and the same would hold true, and I feel confident that we can work with you and others to accommodate in at least some creative way the concerns that have been expressed.

Thank you very much.

[The prepared statement of Ms. Power follows:]

STATEMENT OF LEONA A. POWER, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 1341 AND S. 1331

May 17, 1984

I appreciate the opportunity to appear before the Subcommittee this morning to discuss legislation concerning Mono Basin.

We would not object to enactment of H.R. 1341, as amended by the House of Representatives. We note that S. 1331 is similar to the version of H.R. 1341 that we have previously opposed.

We have long-recognized that the Mono Basin and the lake itself comprise a unique, fragile ecosystem that also contains several important resources. The City of Los Angeles obtains a portion of its water supply from the basin. These resources also represent a major recreational attraction along scenic U.S. Highway 395. The Mono Basin is both an important wildlife habitat and a unique natural wildlife laboratory.

H.R. 1341 would establish the Mono Basin National Forest Scenic Area to be administered by the Secretary of Agriculture through the Forest Service. The proposed bill would modify the boundaries of the Inyo National Forest to include the area within the boundaries of the Scenic Area, require a detailed and comprehensive management plan for the area, require the construction of a visitor center adjacent to U.S. Highway 395, and require the Secretary to commission an ecological study of the Mono Basin Area by the National Academy of Sciences.

The Department testified in opposition to H.R. 1341 in hearings in the House of Representatives. Our principal reason for opposition at that time was the potential adverse impact enactment of the bill could have on Federal, State and local water rights. S. 1331 still raises this same concern.

This Administration strongly believes that the States should have the primary responsibility for the management of their water resources. We believe that the water rights protection language adopted by the House and now present in H.R. 1341 adequately preserves the State of California's primacy and the rights of the City of Los Angeles in the management of these water resources. While this is a significant improvement, we understand that the Department of Agriculture has a number of other concerns. We share these concerns and due to the transfer of responsibilities, we defer to the Department of Agriculture for specific suggestions.

The Bureau of Land Management (BLM) is currently responsible for the multiple-use management of approximately 160,000 acres of land within the Mono Basin. We are concerned about resolution of problems in the Mono Basin, and we have invested considerable amounts of time and energy toward this end, including various studies relating to the ecology, water and visitor use of the area.

The Bureau of Land Management has been actively working with other agencies, including the Forest Service and the State of California and with county and City of Los Angeles officials, in seeking to determine how best to balance the competing uses of the area. BLM participated in the City-State-Federal Interagency Task Force which, in December 1979, released a report identifying possible solutions to the problem. BLM participated in and continues to promote an interagency research committee which was created to serve as a forum for the development, monitoring, and implementation of a research program for the Mono Lake ecosystem.

The BLM has effectively managed the resources of the Mono Basin and it would be happy to continue that management. However, we recognize that the Forest Service also has the capability to manage this unique area. Subject to the suggestions made by the Department of Agriculture, we do not object to the enactment of H.R. 1341 as amended.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

Senator WALLOP. Next is Russell Dickenson from the National Park Service.

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. DICKENSON. Thank you, Mr. Chairman. I am here this morning to testify regarding the proposed amendment to the legislation establishing the Chattahoochee River National Recreation Area, which is located in the State of Georgia.

I do have a full statement which I will present for the record and just summarize the high points.

S. 1218 would amend that basic act of 1978 which established the Chattahoochee River National Recreation Area. I think it is important to note that the national recreation area is in place. It is functioning, currently serving annually 682,000 visitors. Of the 6,300 acres originally authorized for acquisition by the Congress, to date we have acquired 3,600, and where the original ceiling on the appropriation was $72.9 million, we still have almost $6 million of that left.

Now the amendments, in addition to several which I will not go over, would establish a 2,000-foot-wide corridor on either side of the river as an area of national significance. As one of its principal features, the legislation would increase the ceiling on acreage from 6,300 to 7,328, and it would increase the ceiling on appropriations from $72,900,000 to $84,600,000 for land acquisition.

Mr. Chairman, we oppose the passage of the bill. All the agencies of the Federal Government are engaged in an effort to keep cost and budget authorizations down, but furthermore, and I believe deeply and importantly, we believe the goals of this legislation can best be achieved through a partnership, a shared responsibility, among the National Park Service, the State of Georgia, the counties and municipalities along the river, and the private interests who would be directly affected by the recreation area.

Instead of Federal ownership and management of a recreation area of 7,328 acres, we recommend that the Federal role be limited to those lands that we have acquired, which would be 3,600 acres, and those that we intend to acquire within the $72.9 million ceiling authorized by the act of 1978.

We have already had sufficient experience to believe that we have the opportunity, we certainly have the authority, for acquisition through exchange, and we have shown I believe that it is feasible to carry out that kind of basic strategy.

The potential for partnership to protect the corridor has been underscored, was underscored in 1983 when the Georgia Legislature passed amendments to the Metropolitan River Protection Act which established a 4,000-foot-wide corridor along the river. We applaud that. We think that is entirely supplementary and complementary to the kind of basic strategy that we are suggesting. Those amendments were the result of a joint effort by the Service, local and State officials, conservation organizations, and the private sector, and we believe that they strengthen and clarify the original act which authorized a much more active role for local governments in water quality enforcement and the kind of land use development that will occur.

We believe it is a major step in the right direction. The National Park Service is seeking to formalize that partnership arrangement by the development of a memorandum of understanding between the Service and the State and local governments, and we have one cooperative agreement already signed with Gwinnett County for the purpose of joint management of the Jones Bridge. Two other cooperative agreements are in the process of being prepared, one with the State and another one with Fulton County, so we recommend to you that the basic strategy of a shared partnership under the original legislation is the way to go.

Thank you very much.

[The prepared statement of Mr. Dickenson follows:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 1218 AND H.R. 2645, BILLS "TO AMEND THE ACT OF AUGUST 15, 1978, REGARDING THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IN THE STATE OF GEORGIA."

MAY 17, 1984

MR. CHAIRMAN, THANK YOU FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE NATIONAL PARK SERVICE ON S. 1218 AND H.R. 2645, AS PASSED THE HOUSE, BOTH WHICH WOULD AMEND THE ACT OF AUGUST 15, 1978, ESTABLISHING THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA, GEORGIA.

S. 1218 WOULD AMEND THE 1978 ACT IN THE FOLLOWING MAJOR WAYS:

-- IT WOULD INCLUDE THE FINDING THAT A 2,000-FOOT CORRIDOR ON EITHER SIDE OF THE RIVER IS "OF SPECIAL NATIONAL SIGNIFICANCE" AND "SHOULD BE PRESERVED AND PROTECTED FROM DEVELOPMENTS AND USES WHICH WOULD SUBSTANTIALLY IMPAIR OR DESTROY THEM."

-- IT WOULD PROVIDE A NEW BOUNDARY MAP AND INCREASE THE ACREAGE CEILING FROM 6,300 ACRES TO 7,328 ACRES.

-- IT WOULD DIRECT THE SECRETARY, WHERE POSSIBLE, TO EXCHANGE LANDS OWNED BY THE UNITED STATES AND WITHIN THE CURRENT BOUNDARY BUT OUTSIDE THE BOUNDARY IN S. 1218, FOR LANDS OF EQUAL OR EQUALIZED VALUE WITHIN THE NEW BOUNDARY.

-- ON SUCH LANDS NOT TRADED BY THE SECRETARY 10 YEARS AFTER ENACTMENT, IT WOULD PROVIDE AUTHORITY FOR THE SECRETARY TO DISPOSE OF SUCH LANDS OR INCLUDE THEM WITHIN THE NATIONAL RECREATION AREA.

-- IT WOULD PROVIDE FOR LAND ACQUISITION AUTHORITY BY CONSENT ONLY ON LANDS USED FOR AGRICULTURAL OR SINGLE-FAMILY RESIDENTIAL PURPOSES, EXCEPT WHEN A PERMIT FOR A CHANGE IN USE IS APPLIED FOR, AND EXCEPT WHEN THE PROPERTY IS USED IN A MANNER TO HAVE AN ADVERSE EFFECT ON THE VALUES AND PURPOSES OF THR RECREATION AREA AND THE OWNER HAS FAILED OR REFUSED TO CORRECT THE ADVERSE EFFECTS.

-- IT WOULD GRANT THE SECRETARY A RIGHT OF FIRST REFUSAL ON ALL TRANSFERS OF LANDS OR INTERESTS, EXCEPT WHEN SUCH TRANSFERS ARE TO IMMEDIATE FAMILY MEMBERS.

-- IT WOULD REQUIRE ANY INDIVIDUAL OR ENTITY WHO CONSTRUCTS A WATER SUPPLY, ROAD, RESERVOIR, OR OTHER PROJECT WHICH ADVERSELY AFFECTS THE RECREATION AREA TO ACQUIRE REPLACEMENT LANDS OF "COMPARABLE RESOURCE VALUE" WITHIN THE 4,000-FOOT CORRIDOR, AFTER "CONSULTATION WITH THE SECRETARY."

-- IT WOULD INCREASE THE CEILING ON APPROPRIATIONS FOR LAND ACQUISITIONS FROM $72,900,000 TO $84,600,000.

-- IT WOULD ESTABLISH A "CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA ADVISORY COMMISSION" OF 12 MEMBERS APPOINTED BY THE SECRETARY FOR 5-YEAR, RENEWABLE TERMS, AND ONE FEDERAL EX OFFICIO MEMBER (PARK SUPERINTENDENT).

AS PASSED BY THE HOUSE, H.R. 2645 DIFFERS FROM THE SENATE MEASURE AS FOLLOWS:

-- IT ADDS PROVISIONS FOR EXPEDITED LAND EXCHANGE PROCEDURES.

-- IT ADDS REQUIREMENT THAT THE SECRETARY PUBLISH IN THE FEDERAL REGISTER AT 3-YEAR INTERVALS PROGRESS REPORTS ON LAND EXCHANGES.

-- IT ADDS AMENDMENT OF SECTION 105(c) CHANGING FROM 3 YEARS TO 7 YEARS THE TIME FOR COMPLETION OF A GENERAL MANAGEMENT PLAN.

-- IT ADDS A NEW SECTION 105(d) TO ENSURE FEDERAL CONSISTENCY WITHIN THE 2,000-FOOT CORRIDOR BUT EXEMPTS ANY POTENTIAL WATER DEVELOPMENT PROJECTS OUTLINED IN A STUDY ENTITLED "METROPOLITAN ATLANTA WATER RESOURCES MANAGEMENT STUDY, GEORGIA: REPORT OF CHIEF OF ENGINEERS" WHICH IS DATED JUNE 1, 1982.

-- IT CHANGES THE NUMBER OF COMMISSION MEMBERS FROM 12 TO 13 AND CHANGES THE COMMISSION MEMBERS' TERMS FROM 5-YEAR RENEWABLE TO 3-YEAR STAGGERED, RENEWABLE TERMS.

-- IT PROVIDES FOR THE TERMINATION OF THE COMMISSION 10 YEARS FROM ENACTMENT OF THE LEGISLATION.

MR. CHAIRMAN, THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA WAS ESTABLISHED IN 1978 BY PUBLIC LAW 95-344. THE PARK WAS AUTHORIZED TO INCLUDE AS MUCH AS 6,300 ACRES AND 48 MILES OF THE RIVER AND ITS BED BETWEEN BUFORD DAM AT LAKE

SIDNEY LANIER AND PEACHTREE CREEK IN ATLANTA. OF THE $72.9 MILLION AUTHORIZED FOR LAND ACQUISITION, $5.98 MILLION REMAINS UNAPPROPRIATED; APPROXIMATELY 3,600 ACRES HAVE BEEN ACQUIRED BY THE NATIONAL PARK SERVICE. THE RECREATION AREA SERVES A LARGE REGIONAL POPULATION AND HAS NATURAL AND CULTURAL FEATURES THAT WARRANT NATIONAL RECOGNITION AND PROTECTION. IN 1982, APPROXIMATELY 682,000 PEOPLE VISITED CHATTAHOOCHEE.

MR. CHAIRMAN, WE OPPOSE THE PASSAGE OF THESE BILLS. WE CANNOT SUPPORT THE $11,700,000 INCREASE IN THE CEILING FOR LAND ACQUISITION AND THE 1,028 ACRE INCREASE IN THE ACREAGE CEILING. AS YOU KNOW, ALL AGENCIES OF THE FEDERAL GOVERNMENT ARE ENGAGED IN AN EFFORT TO KEEP COSTS AND BUDGET AUTHORIZATIONS DOWN. FURTHERMORE, WE BELIEVE THE GOALS OF THIS LEGISLATION CAN BEST BE ACHIEVED THROUGH A PARTNERSHIP, A SHARED RESPONSIBILITY AMONG THE NATIONAL PARK SERVICE, THE STATE OF GEORGIA, THE COUNTIES AND MUNICIPALITIES ALONG THE RIVER, AND PRIVATE INTERESTS WHOSE ACTIONS OR INTERESTS WOULD DIRECTLY AFFECT THE RECREATION AREA. INSTEAD OF FEDERAL OWNERSHIP AND MANAGEMENT OF A RECREATION AREA OF 7,328 ACRES, WE RECOMMEND THAT THE FEDERAL ROLE BE LIMITED TO THOSE LANDS WE HAVE ACQUIRED, 3,600 ACRES, AND INTEND TO ACQUIRE WITHIN THE $72.9 MILLION CEILING AUTHORIZED BY THE ACT OF 1978. TO COMPLETE THE FEDERAL PORTION OF THE RECREATION AREA, WE HAVE $5.98 MILLION REMAINING FROM THE ORIGINAL AUTHORIZATION, AND WE HAVE THE OPPORTUNITY AND AUTHORITY FOR ACQUISITION THROUGH EXCHANGE.

THE ROLE OF THE SERVICE IN THIS PARTNERSHIP WOULD BE TO PROTECT THE FEDERAL LANDS AND FACILITATE AND DEVELOP ACCESS AND PUBLIC USE OF THE AREA'S RESOURCES. ADDITIONAL RESOURCE PROTECTION SHOULD BE THE RESPONSIBILITY OF STATE AND LOCAL GOVERNMENTS. WE RECOMMEND THAT THE NON-FEDERAL LANDS WITHIN THE PARK BOUNDARY BE PROTECTED THROUGH THE PARTNERSHIP ARRANGEMENT BY ENCOURAGING GREATER SENSITIVITY IN LOCAL ZONING DECISION, TAX INCENTIVES, AND BY LAND ACQUISITION BY OTHER PUBLIC ENTITIES. WITH COOPERATION FROM BOTH THE PUBLIC AND PRIVATE SECTOR, THE PARK ENVISIONED BY CONGRESS STILL CAN BE ACHIEVED WITHOUT EXCEEDING THE DOLLAR LIMIT SET FOR FEDERAL LAND ACQUISITION. TO SUMMARIZE THE PLANNING HISTORY, A DRAFT GMP AND EIS WAS COMPLETED IN SEPTEMBER, 1981. PUBLIC HEARINGS WERE HELD ON THAT DOCUMENT IN OCTOBER AND NOVEMBER, 1981. THE CHATTAHOOCHEE RESOURCE PROTECTION CASE STUDY WAS COMPLETED JUNE, 1982. THE CURRENT DRAFT GMP AND EIS WAS COMPLETED SEPTEMBER, 1982, AND WILL NOT BE FINALIZED UNTIL THE BOUNDARY ISSUE IS RESOLVED.

THE POTENTIAL FOR A PARTNERSHIP TO PROTECT THE CORRIDOR WAS UNDERSCORED IN 1983 WHEN THE GEORGIA LEGISLATURE PASSED AMENDMENTS TO THE METROPOLITAN RIVER PROTECTION ACT -- STATE LEGISLATION INTENDED TO GUIDE DEVELOPMENT AND RESOURCE PROTECTION WITHIN A 4,000-FOOT CORRIDOR ALONG 48 MILES OF THE RIVER. THESE AMENDMENTS WERE THE RESULT OF A JOINT EFFORT BY THE SERVICE, LOCAL AND STATE OFFICIALS, CONSERVATION ORGANIZATIONS, AND THE PRIVATE SECTOR. THESE AMENDMENTS STRENGTHEN AND CLARIFY THE ORIGINAL ACT, AUTHORIZING A MORE ACTIVE ROLE FOR LOCAL GOVERNMENTS IN WATER QUALITY ENFORCEMENT OF THE RIVER AND ITS TRIBUTARIES. LOCAL GOVERNMENTS ALSO MUST DEVELOP PLANS WHICH WOULD CREATE SMALL BUFFER AREAS

ALONG THE RIVER'S TRIBUTARIES, WHERE NO LAND WOULD BE DISTURBED. THESE LOCAL GOVERNMENTS WOULD ALSO PREPARE REGULATIONS WHICH WOULD EMPHASIZE THE STATE'S EROSION AND SEDIMENT CONTROL ACT. FURTHER, THE PERMITTING REVIEW PROCESS WAS UNIFIED AND STREAMLINED.

THIS STATE LEGISLATION IS A MAJOR STEP IN THE PROTECTION OF THE RIVER'S RESOURCES. THE NATIONAL PARK SERVICE BELIEVES IT CAN HELP INVIGORATE THIS PARTNERSHIP. THE NATIONAL PARK SERVICE WILL SEEK TO FORMALIZE THE PARTNERSHIP BY THE DEVELOPMENT OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE SERVICE AND THE STATE AND LOCAL GOVERNMENTS. THE MOU WOULD SPECIFY THE RESPONSIBILITIES OF ALL PARTIES REGARDING PROTECTION, ECONOMIC DEVELOPMENT, AND OTHER APPROPRIATE LAND USES IN THE AREA.

MR. CHAIRMAN, WE HAVE NO OBJECTION TO THE CREATION OF AN ADVISORY COMMISSION FOR CHATTAHOOCHEE, BUT WE BELIEVE NO LEGISLATION IS NECESSARY SINCE SUCH A COMMISSION COULD BE ESTABLISHED UNDER THE AUTHORITY OF THE FEDERAL ADVISORY COMMITTEE ACT.

THIS CONCLUDES MY STATEMENT. I AM HAPPY TO ANSWER ANY QUESTIONS YOU OR MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

Senator **Wallop**. Thank you, Mr. Dickenson. What would these memoranda of understanding contain? What would they do?

Mr. **Dickenson**. These memorandums of understanding between the National Park Service and the State and the counties indicate the degree to which we share the responsibilities for operation—more importantly, an understanding about the kind of land use controls which would protect the scenic, aesthetic, and recreational amenities along the river itself.

Senator **Wallop**. Well, I appreciate your testimony this morning. We will proceed with it. It is a complicated piece of legislation in my mind, and I have some misgivings, not about the value of the resource, but as to whose responsibility it ultimately is.

Mr. **Dickenson**. Indeed.

Senator **Wallop**. Thank you very much. I see our colleagues Senators Nunn and Mattingly have come in, as well as Congressman Darden, if you three gentlemen would approach the witness table? If Congressman Gingrich is here, ask him to come up as well.

Good morning, Senator Nunn. Would you begin, please?

STATEMENT OF HON. SAM NUNN, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator **Nunn**. Thank you very much, Mr. Chairman. I know, having been with you yesterday and knowing all of your various endeavors particularly in the Intelligence Committee that your time is very limited. You are doing important work in that area, and I want to thank you particularly because of that time squeeze for fitting in what we in the State of Georgia think is a very important matter, and a very important hearing from our point of view, and I think we also are going to make a case here this morning from the national point of view.

Mr. Chairman, the legislation we will talk about this morning, H.R. 2645 and S. 1218, is legislation to provide for permanent boundaries for the Chattahoochee River National Recreation Area.

This legislation is very important to the Georgia delegation. It is very important to the State of Georgia, the Southeast United States, and I think to the Nation. I have been working for the protection of the Chattahoochee River since the first legislation on this subject was introduced by me on the Senate side, and now Mayor Andy Young, then Congressman Andy Young, on the House side way back in the 93d Congress in 1973.

The Chattahoochee River bill which Senator Mattingly and I introduced last year and the House-passed companion version introduced by Congressman Levitas have enjoyed very broad, bipartisan support for a long time, and I think that support has strengthened as the years have gone by. This legislation has been cosponsored by the entire Georgia delegation and is the product of a consensus effort by the State of Georgia, the local governments in the recreation area where the recreation area is located, environmental groups, landowners, developers and citizens in the Atlanta area. Very few issues since I have been in the U.S. Senate have enjoyed this kind of broad support from such diverse interests as this legislation we have before us today.

The Chattahoochee River begins as a small mountain stream in northeast Georgia, passes by the northwest boundary of Metro Atlanta that forms the boundary for the State of Georgia and Alabama before flowing into the Arcola River in Florida and into the Gulf of Mexico.

The original act to establish the Chattahoochee River National Recreation Area was approved by the Congress after careful study in 1978. At that time, the boundaries of the park were generally defined to include a string of properties along the 48-mile stretch of the river from Buford Dam to Peach Tree Creek. It was understood then that more time to study would be needed to clarify the exact properties best suited for the protection of this valuable river resource, and this hearing this morning is part of that evolutionary process.

Mr. Chairman, the legislation before you today carries out the intent of the original act which created the Chattahoochee River National Recreation Area and guarantees the long-term protection of the river corridor. The Chattahoochee River National Recreation Area is a significant national resource which will be rapidly engulfed in urban sprawl if we do not continue to act to ensure its protection. Along the Chattahoochee we have a rare opportunity to preserve a large natural area within a major metropolitan center with a population approaching 2 million.

Specifically this bill will increase the acreage ceiling from the present cap of 6,300 acres to a cap of 7,328 acres. The park boundary would be changed by adding some land while deleting other sections in order to most effectively use the funds available, and those additions and deletions are set forth in the detailed maps which will be submitted today.

The bill would increase the presently authorized funding cap from 72.9 million to an overall ceiling of 84.6 million. I know it is hard for those of us who have been debating on the floor in recent days to think in terms of millions when we have been speaking in terms of billions and billions, but we will have to get our ideas down, but I think this is a modest amount of money when you consider we are preserving lands and crucial water resources for all time to come.

The bill would also limit further condemnation by the Park Service of lands included in the proposed park boundary with use for agricultural and residential purposes and yet preserve the power to prevent commercial encroachment. One of the most important elements of the Chattahoochee National Recreation Area plan is, of course, the recreational opportunities it provides. Many residents of the Southeastern United States will never be able to afford to visit Yellowstone or Glacier National Park or many of the beautiful areas you have in Wyoming, but millions will now and in the future generations be able to enjoy the Chattahoochee River corridor if it is properly preserved.

Although still uncompleted, the park is one of the most popular Park Service sites in the Nation. Last year alone the Park Service counted over 1 million visitors that used the park for fishing, hiking, rafting, cycling, canoeing and other outdoor activities. I am told that for everyone they counted, there were probably at least two more that used this area. We are talking about somewhere between 1 and 3 million people per year.

Approximately 20 percent of the park patrons are from outside the Metropolitan Atlanta area. Another important factor is the water quality protection provided by the park. One fourth of the Metropolitan Atlanta water supply comes from Chattahoochee. The State of Georgia is very conscious of this. They recognize that this water source serves about a third of the people in our State. This whole effort has been a balanced kind of approach, considering both recreation, both conservation, and as well as water resources for the future.

Investment in this park can help prevent expensive water quality problems in the future. Mr. Chairman, because of time constraints I won't speak at length today, and ask that all my statement be put in the record.

I thank you again for providing my colleagues and me as well as our distinguished witnesses from Georgia the opportunity to represent our views on the Chattahoochee River legislation. I am hopeful that after hearing today's statements and reviewing the written testimony, you and your capable staff will agree with us on the need for this measure.

We look forward to working with you and the full committee in seeing this bill become law. I would also like to extend to you and your staff any time you have time on your schedule to come down to visit this area and see what we are talking about firsthand. I think that would be very valuable from your perspective, and I know we would be honored to have you.

I will extend that invitation to you on behalf of the Governor of Georgia and all the people involved in this project.

I want to thank my colleague Senator Mattingly. He and I have worked together hand-in-hand on this. We see it exactly alike. Congressman Darden who represents this district where most of the properties involved are, has done an outstanding job of pitching in and supporting this legislation, so I thank them for being here.

Again, Mr. Chairman, recognizing your time constraints, I thank you and your staff for taking time this morning to give us this opportunity.

[The prepared statement of Senator Nunn follows:]

STATEMENT BY SENATOR SAM NUNN
PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
May 17, 1984

Mr. Chairman, I want to thank you for conducting this hearing today on H.R. 2645 and S. 1218, legislation to provide for permanent boundaries for the Chattahoochee River National Recreation Area. This legislation is of great importance to the State of Georgia and the Southeast United States. I have been working for the protection of the Chattahoochee River since I introduced the first Chattahoochee River National Recreation Area bill in the Senate during the 93rd Congress in 1973.

Mr. Chairman, the Chattahoochee River bill which Senator Mattingly and I introduced last year, and the House-passed companion version introduced by Congressman Levitas have enjoyed bipartisan support. This legislation has been cosponsored by the entire Georgia delegation and is the product of a consensus effort by the State of Georgia, the local governments in which the Recreation Area is located, environmental groups, landowners, developers, and citizens in the Atlanta area. Very few issues in Georgia have enjoyed such broad-based support.

The Chattahoochee begins as a small mountain stream in northeast Georgia, passes by the northwest boundary of metro-Atlanta and forms the boundary for the states of Georgia and Alabama before flowing into the Appalachicola River in Florida and then into the Gulf of Mexico. The original act to establish the Chattahoochee River National Recreation Area was approved by the Congress after careful study in 1978. At that time, the boundaries of the park were generally defined to include a string of properties along a 48-mile stretch of river from Buford Dam to Peachtree Creek near the center of Atlanta. It was understood that more time and study would be needed to further clarify the exact properties best suited for the protection of this valuable river resource.

Mr. Chairman, the legislation before you today carries out the intent of the original Act which created the Chattahoochee River National Recreation Area and guarantees the long-term protection of the River corridor.

The Chattahoochee River National Recreation Area is a significant national resource which will rapidly be engulfed in urban sprawl if we do not act soon to ensure its protection. Along the Chattahoochee, we have a rare opportunity to preserve a large natural area within a major metropolitan center area with a population approaching 2 million.

Specifically, this bill would increase the acreage ceiling from the present cap of 6,300 acres to a cap of 7,328 acres. Park boundaries would be changed by adding some land, while deleting other sections, in order to most efficiently use the funds available. The bill would increase the presently authorized funding cap from $72.9 million to an overall ceiling of $84.6 million. The bill would also limit further condemnation by the Park Service of land included in the proposed park boundary used for agricultural or limited residential purposes and yet preserves the power to prevent commercial encroachment.

One of the most important elements of the Chattahoochee River National Recreation Area plan is, of course, the recreational opportunities it provides. Many residents of the Southeastern United States will never be able to afford to visit Yellowstone or Glacier National Park, but millions will now, and in future generations, be able to enjoy the Chattahoochee River corridor if it is properly preserved. Although still uncompleted, the park is one of the most popular Park Service sites in the nation. Last year alone, the Park Service counted over one million visitors that used the park for fishing, hiking, rafting, cycling, canoeing and other outdoor activities. Approximately 20% of the park patrons are from outside the metropolitan Atlanta area.

Another important factor is the water quality protection provided by the park. One-fourth of metro-Atlanta's water supply comes from the Chattahoochee. Investments in this park can help prevent expensive water quality problems in the future.

Mr. Chairman, because of time constraints, I will not speak further today on the need for the Chattahoochee River National Recreation Area.

I thank you again for providing my colleagues and me and witnesses from Georgia the opportunity to present our views on the Chattahoochee River legislation. I am hopeful that after hearing statements today and reviewing written testimony, you will agree with us on the great need for this measure. We look forward to working with you and the full Committee in seeing this bill become law.

Finally, I would also like to extend to you and your staff an open invitation to visit the Chattahoochee River to see firsthand this unique resource which is so deserving of protection through our National Park system.

Senator **Wallop**. Thank you, Sam. I appreciate that. We will look at it seriously.

Senator Mattingly.

STATEMENT OF HON. MACK MATTINGLY, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator **Mattingly**. Mr. Chairman, I appreciate this opportunity to testify in favor of the legislation changing the boundaries of the Chattahoochee River National Recreation Area.

With the short legislative calendar we have this year, I want to thank you really for holding the hearing, and I would really urge an expedited markup of the bill.

We have come a long way. To date, we have approximately 3,600 acres which have been purchased in Georgia, and this I think is enough to clearly demonstrate that the park is a worthwhile project, that it should be carried to its completion.

As Senator Nunn says, the park stretches along the 48-mile section of the Chattahoochee River, and really on beauty alone it deserves to be protected and preserved for future generations, yet one of the most important aspects of the park is its proximity to a major metropolitan area with a population of over 2 million people, and this is both its greatest asset and really its biggest threat.

There has been some criticism of the so-called urban parks, and maybe these critics do not understand the needs of the States East of the Mississippi which do not really have vast tracts of wilderness or open land already in Federal ownership. Our section of the country needs recreation areas that are easily available to large segments of our population.

Aside from the nearby urban center of Atlanta, millions more Americans visit the area each year. Many of these people will never get to Yellowstone or other great parks that we have in the West. I believe that the Chattahoochee will be a unique national treasure, but I also think of the many thousand families who will at last have the opportunity to enjoy and benefit from our national parks program.

Another benefit of this legislation deserves at least a brief mention. That is the river flows from the northeast corner of Georgia crossing down through Atlanta until it becomes the boundary with Alabama. Along the way it is an important source of water not just for Atlanta but many other communities. This park will help protect that source of water from pollution.

The danger to the Chattahoochee River Park is that it will be overrun by urban sprawl before we move to protect it. Critical areas are now in dire danger of development. Time is of the essence. I think that we must move on this bill quickly. I realize that separate congressional action is going to be needed to appropriate the money for the purchase of the newly included sections. As a member of the Appropriations Committee, I am very aware of the difficulties of finding money for all the worthwhile projects.

Even so, the fact that a piece of property will now be included in the authorized park lands will provide some additional protection against development. Zoning boards and commissions are going to be a lot more likely to stand firm against the press of development if there is a realistic hope that the property will one day be purchased for the park.

The park is really beyond the capability of the state and local governments. The State has given to the Federal Government some of the property in the Chattahoochee River Park. More recently, the State has negotiated a solution to the potential problems caused by the planned reregulation dam which will provide the future water needs for Metropolitan Atlanta, but the fact remains that there are limits to what Georgia can do. We have scraped and scrambled to save key portions of the park, but we must have this legislation, and it is critical that it really pass in this session.

It has unanimous support, as Senator Nunn said, from all the congressional delegation. It is a high priority of mine personally and of the delegation I think as a whole. The bill that passed the House, H.R. 2645, has some corrections which were made after Senator Nunn and I introduced our legislation. In addition, we will make available to you the language recently worked out by the State of Georgia and the environmental groups concerning the reregulation dam.

We ask that this committee, this subcommittee, give favorable consideration to these further changes during the markup.

Mr. Chairman, as Senator Nunn said, I urge you and your staff to come to Georgia and see the Chattahoochee River. As a statement on paper, a big, thick report by a Government agency, and personal testimony here will not have the impact of seeing the Chattahoochee Park. We all know there is only one environment, and I might add only one Chattahoochee River. I think that we need to make certain that we do the right thing to protect both of them.

I thank you, Mr. Chairman, for giving us this opportunity to present the facts, and I am certain that the people that will testify after us will give you even greater detail.

Thank you very much.

[The prepared statement of Senator Mattingly follows:]

STATEMENT ON CHATTAHOOCHEE RIVER PARK

BY SENATOR MACK MATTINGLY

MR. CHAIRMAN, I APPRECIATE THIS OPPORTUNITY TO TESTIFY IN FAVOR OF LEGISLATION CHANGING THE BOUNDARIES OF THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA (CRNRA). WITH THE SHORT LEGISLATIVE CALENDER WE HAVE THIS YEAR, I WANT TO THANK THE CHAIRMAN FOR HOLDING THIS HEARING AND I WOULD URGE AN EXPEDITED MARKUP OF THE BILL.

WE HAVE COME A LONG WAY. TO DATE ABOUT 3,600 ACRES HAVE BEEN PURCHASED. THIS IS ENOUGH TO DEMONSTRATE CLEARLY THAT THE PARK IS A WORTHWHILE PROJECT THAT SHOULD BE CARRIED TO ITS COMPLETION.

THE PARK STRETCHES ALONG A 48 MILE SECTION OF THE CHATTAHOOCHEE RIVER AND ON BEAUTY ALONE, IT DESERVES TO BE PROTECTED AND PRESERVED FOR FUTURE GENERATIONS. YET, ONE OF THE MOST IMPORTANT ASPECTS OF THIS PARK IS ITS PROXIMITY TO A MAJOR METROPOLITAN AREA WITH A POPULATION OF OVER 2 MILLION PEOPLE. THIS IS BOTH ITS GREATEST ASSET AND ITS BIGGEST THREAT.

I KNOW THERE HAS BEEN SOME CRITICISM OF THE SO-CALLED URBAN PARKS. IT MAY BE THAT THESE CRITICS DO NOT UNDERSTAND THE NEEDS OF THE STATES EAST OF THE MISSISSIPPI, WHICH DO NOT HAVE VAST TRACTS OF WILDERNESS OR OPEN LAND ALREADY IN FEDERAL OWNERSHIP.

OUR SECTION OF THE COUNTRY NEEDS RECREATION AREAS THAT ARE EASILY AVAILABLE TO THE LARGE SEGMENTS OF OUR POPULATION. ASIDE FROM THE NEARBY URBAN CENTER OF ATLANTA, MILLIONS MORE AMERICANS VISIT THE AREA EACH YEAR. MANY OF THESE PEOPLE WILL NEVER GET TO YELLOWSTONE OR THE OTHER GREAT PARKS WE HAVE IN THE WEST.

I BELIEVE THE CHATTAHOOCHEE WILL BE A UNIQUE NATIONAL TREASURE. BUT I ALSO THINK OF THE MANY THOUSAND FAMILIES WHO WILL AT LAST HAVE THE OPPORTUNITY TO ENJOY AND BENEFIT FROM OUR NATIONAL PARKS PROGRAM.

ANOTHER BENEFIT OF THIS LEGISLATION DESERVES AT LEAST A BRIEF MENTION. THE RIVER FLOWS FROM THE NORTHEAST CORNER OF GEORGIA CROSSING DOWN THROUGH ATLANTA UNTIL IT BECOMES THE BOUNDARY WITH ALABAMA. ALONG THE WAY, IT IS AN IMPORTANT SOURCE OF WATER FOR NOT JUST ATLANTA BUT MANY OTHER COMMUNITIES. THIS

PARK WILL HELP PROTECT THAT SOURCE OF WATER FROM POLLUTION.

THE DANGER TO THE CHATTAHOOCHEE RIVER PARK IS THAT IT WILL BE OVERRUN BY THE URBAN SPRAWL BEFORE WE MOVE TO PROTECT IT. CRITICAL AREAS ARE NOW IN DIRE DANGER OF DEVELOPMENT. TIME IS OF THE ESSENSE. WE MUST MOVE ON THIS BILL QUICKLY. I REALIZE THAT SEPARATE CONGRESSIONAL ACTION WILL BE NEEDED TO APPROPRIATE THE MONEY FOR THE PURCHASE OF THE NEWLY INCLUDED SECTIONS. AS A MEMBER OF THE APPROPRIATIONS COMMITTEE, I AM VERY AWARE OF THE DIFFICULTY IN FINDING MONEY FOR ALL THE WORTHWHILE PROJECTS. EVEN SO, THE FACT THAT A PIECE OF PROPERTY WILL NOW BE INCLUDED IN THE AUTHORIZED PARKLAND WILL PROVIDE SOME ADDITIONAL PROTECTION AGAINST DEVELOPMENT. ZONING BOARDS AND COMMISSIONS WILL BE MORE LIKELY TO STAND FIRM AGAINST THE PRESS OF DEVELOPMENT IF THERE IS THE REALISTIC HOPE THAT THE PROPERTY WILL ONE DAY BE PURCHASED FOR THE PARK.

THIS PARK IS BEYOND THE CAPABILITY OF THE STATE AND LOCAL GOVERNMENTS. THE STATE HAS GIVEN TO THE FEDERAL GOVERNMENT SOME OF THE PROPERTY IN THE CHATTAHOOCHEE RIVER PARK. MORE RECENTLY, THE STATE HAS NEGOTIATED A SOLUTION TO THE POTENTIAL PROBLEMS

CAUSED BY THE PLANNED REREGULATION DAM, WHICH WILL PROVIDE THE FUTURE WATER NEEDS FOR METRO ATLANTA.

BUT THE FACT REMAINS THERE ARE LIMITS TO WHAT GEORGIA CAN DO. WE HAVE SCRAPPED AND SCRAMBLED TO SAVE KEY PORTIONS OF THE PARK. BUT WE MUST HAVE THIS LEGISLATION AND IT IS CRITICAL THAT IT PASS THIS SESSION.

IT HAS UNANIMOUS SUPPORT FROM THE GEORGIA DELEGATION. IT IS A HIGH PRIORITY OF MINE PERSONALLY AND OF THE DELEGATION AS A WHOLE.

THE BILL THAT PASSED THE HOUSE H.R.2645 HAS SOME CORRECTIONS WHICH WERE MADE AFTER SENATOR NUNN AND I INTRODUCED OUR LEGISLATION. IN ADDITION, WE WILL MAKE AVAILABLE TO YOU THE LANGUAGE RECENTLY WORKED OUT BY THE STATE OF GEORGIA AND THE ENVIRONMENTAL GROUPS CONCERNING THE REREGULATION DAM. WE ASK THAT THE SUBCOMMITTEE GIVE FAVORABLE CONSIDERATION TO THESE FURTHER CHANGES DURING MARKUP.

MR. CHAIRMAN I URGE YOU AND YOUR STAFF TO COME TO GEORGIA AND SEE THE CHATTAHOOCHEE RIVER. AS STATEMENT ON PAPER, A THICK

REPORT BY A GOOD AGENCY, AND PERSONAL TESTIMONY WILL NOT HAVE THE IMPACT OF SEEING THE CHATTAHOOCHEE RIVER. WE ALL KNOW THERE IS ONLY ONE ENVIRONMENT AND I MIGHT ADD ONLY ONE CHATTAHOOCHEE RIVER. LET US MAKE CERTAIN WE DO THE RIGHT THING TO PROTECT BOTH.

I THANK YOU AGAIN MR. CHAIRMAN FOR GIVING US THIS OPPORTUNITY TO PRESENT THE FACTS ON THIS LEGISLATION.

Senator WALLOP. Thank you, Mack.

Mr. Darden.

STATEMENT OF HON. GEORGE DARDEN, A U.S. REPRESENTATIVE FROM THE STATE OF GEORGIA

Mr. DARDEN. Mr. Chairman, I first want to thank you for taking time out of your busy schedule to hold these hearings, and as my distinguished colleagues have said, while this might not appear to be a large park when you consider the size of Yellowstone and Yosemite National Park, this certainly has a priority with us.

Mr. Chairman, I was not a Member of the House of Representatives last April when my distinguished colleague Mr. Levitas introduced this bill and so I didn't have the privilege of being one of the original cosponsors, but upon taking the oath of office, that day I added my name as a cosponsor, and I am pleased to have this opportunity to speak in support of this legislation.

Mr. Chairman, 14 of the 48 miles which make up the Chattahoochee National Park are actually in my district, and the part of my district which the park runs through is easily the most urban area. The Chattahoochee serves as a boundary between Cobb and Fulton Counties, two of the counties which comprise the Metropolitan Atlanta region.

This is the uniqueness of the Chattahoochee National Recreation Area. I can think of no other major city in America today which offers its citizens the opportunity to fish, canoe, raft, swim, and picnic in such close proximity. Because of its accessibility, the Chattahoochee, although it has long been a boundary for Cobb and Fulton Counties, and although it is at present the boundary between my district and other congressional districts, has not really served as a dividing line at all. To the contrary, Mr. Chairman, it has served as an area which brings together people from throughout the Atlanta area and the entire State as they seek recreation and relaxation in the great outdoors.

Mr. Chairman, I have a statement I would like to submit for the record and ask that it be included, and I would further offer, Mr. Chairman, to be a part of any group that would like to come down and visit the Chattahoochee, and I would further say that I would be glad to paddle the canoe in the event that you and your staff can come down.

Thank you very much for this opportunity. I respectfully urge your support of this bill.

[The prepared statement of Mr. Darden follows:]

CONGRESSMAN GEORGE (BUDDY) DARDEN

STATEMENT ON THE CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, BECAUSE I WAS NOT A MEMBER OF THE HOUSE OF REPRESENTATIVES LAST APRIL WHEN MY DISTINGUISHED COLLEAGUE FROM GEORGIA INTRODUCED H.R. 2645, I DID NOT HAVE THE PRIVILEGE OF BEING ONE OF ITS ORIGINAL COSPONSORS. UPON TAKING THE OATH OF OFFICE, HOWEVER, I IMMEDIATELY ADDED MY NAME AS A COSPONSOR, AND I AM PLEASED TO HAVE THE OPPORTUNITY TODAY TO SPEAK ON BEHALF OF THIS LEGISLATION.

THIS BILL CONTAINS A COMPREHENSIVE PLAN TO FULFILL THE ORIGINAL INTENT OF THE LAW WHICH CONGRESS PASSED IN 1978. AT THAT TIME, IT WAS ANTICIPATED THAT FURTHER LEGISLATION WOULD BE NECESSARY TO FINALIZE THE BOUNDARIES OF THE PARK. THIS BILL IS THAT LEGISLATION.

IT IS IMPORTANT TO NOTE THAT TAX REVENUES WILL NOT BE SPENT TO ACQUIRE THESE NEW LANDS. ALTHOUGH THE EXPENDITURE CEILING IS BEING RAISED, THE FUNDS TO BE USED COME FROM THE LAND AND WATER CONSERVATION FUND. THIS FUND IS MADE UP OF THE PROCEEDS FROM OUTER CONTINENTAL SHELF LEASES AND RELATED SOURCES.

IT IS ALSO IMPORTANT TO NOTE THAT THIS LEGISLATION DOES NOT PUT THE FEDERAL GOVERNMENT IN A POSITION WHICH USURPS THE AUTHORITY OF THE STATE AND LOCAL GOVERNMENTS. RATHER, THE BILL PROVIDES A FRAMEWORK FOR INPUT BY SETTING UP AN ADVISORY COMMISSION, CONSISTING OF 12 VOTING MEMBERS. IN THIS WAY, ALL CONCERNED PARTIES HAVE A FORUM FOR INPUT AS IMPORTANT DECISIONS ABOUT THE PARK ARE MADE.

THIS BILL IS ENDORSED, NOT ONLY BY THE ENTIRE GEORGIA DELEGATION, INCLUDING THE TWO SENATORS WHO INTRODUCED THE SAME BILL IN THIS BODY, BUT ALSO BY THE STATE GOVERNMENT, ALL OF THE LOCAL GOVERNMENTS INVOLVED, AND A VARIETY OF PUBLIC INTEREST AND ENVIRONMENTAL GROUPS. BUT I HAVE NOT YET MENTIONED THE MOST IMPORTANT REASON THAT THIS LEGISLATION MERITS

YOUR SUPPORT. THAT REASON IS THE UNIQUENESS, THE BEAUTY, AND THE LEGACY OF THE CHATTAHOOCHEE ITSELF.

FOURTEEN OF THE FORTY-EIGHT MILES WHICH MAKE UP THE CHATTAHOOCHEE NATIONAL PARK ARE ACTUALLY IN MY DISTRICT, AND THE PART OF MY DISTRICT WHICH THE PARK RUNS THROUGH IS EASILY THE MOST URBAN AREA. THE CHATTAHOOCHEE SERVES AS A BOUNDARY BETWEEN COBB AND FULTON COUNTIES, TWO OF THE COUNTIES WHICH COMPRISE THE METROPOLITAN ATLANTA AREA. THIS IS THE UNIQUENESS OF THE CHATTAHOOCHEE NATIONAL RECREATION AREA. I CAN THINK OF NO OTHER MAJOR CITY IN AMERICA TODAY WHICH OFFERS ITS CITIZENS THE OPPORTUNITY TO FISH, CANOE, RAFT, SWIM, AND PICNIC IN SUCH CLOSE PROXIMITY. BECAUSE OF ITS ACCESSIBILITY THE CHATTAHOOCHEE--ALTHOUGH IT HAS LONG BEEN A BOUNDARY FOR COBB AND FULTON COUNTIES AND ALTHOUGH IT IS, AT PRESENT, THE BOUNDARY BETWEEN MY DISTRICT AND OTHER CONGRESSIONAL DISTRICTS--HAS NOT REALLY SERVED AS A DIVIDING LINE AT ALL. TO THE CONTRARY, IT HAS SERVED AS AN AREA WHICH BRINGS TOGETHER THE PEOPLE FROM THROUGHOUT THE ATLANTA AREA AND THE ENTIRE STATE, AS THEY SEEK RECREATION AND RELAXATION IN THE GREAT OUTDOORS.

MY WIFE, CHILDREN, AND SEVERAL CLOSE FRIENDS, AS RECENTLY AS LAST AUGUST, SPENT A WONDERFUL, SUNNY AFTERNOON RAFTING DOWN THE CHATTAHOOCHEE OBSERVING AND ENJOYING THIS MAGNIFICIENT RIVER.

STILL, THE BEAUTY OF THE CHATTAHOOCHEE IS NOT A RECENT EVENT, BUT SOMETHING WHICH HAS BEEN PASSED DOWN FROM GENERATION TO GENERATION. IT IS A RIVER WHICH HAS A LEGACY ALL ITS OWN. SOME 70 PREHISTORIC AND HISTORIC SITES WERE RECORDED THERE BY THE SOUTHEASTERN ARCHEOLOGICAL CENTER IN 1979. BUT THE LEGACY DOES NOT STOP THERE; IT RUNS MUCH DEEPER.

ONE OF GEORGIA'S GREATEST POETS WAS SIDNEY LANIER. IT IS FOR HIM THAT THE LAKE FROM WHICH THE CHATTAHOOCHEE FLOWS IS NAMED. LANIER LIVED DURING THE TIME OF THE WAR BETWEEN THE STATES, AND EVEN THEN HE WAS

IMPRESSED WITH THE SCENIC BEAUTY OF THE CHATTAHOOCHEE. IN FACT, LANIER WAS SO TAKEN BY THE RIVER'S PRESENCE THAT HE FELT AS IF THE RIVER ALMOST SPOKE TO HIM. HE SET THE WORDS OF THE RIVER TO VERSE IN HIS BEAUTIFUL POEM , "SONG OF THE CHATTAHOOCHEE."

SIDNEY LANIER FELT THAT THERE WAS SOMETHING TO BE LEARNED FROM THE RIVER, SOMETHING WHICH SHOULD BE PASSED ALONG FROM GENERATION TO GENERATION. LANIER MUST HAVE FELT ABOUT THE CHATTAHOOCHEE MUCH THE SAME WAY MARK TWAIN FELT ABOUT THE MISSISSIPPI WHEN TWAIN WROTE:

> "THE FACE OF THE WATER, IN TIME, BECAME A WONDERFUL BOOK--A BOOK...WHICH TOLD ITS MIND TO ME WITHOUT RESERVE, DELIVERING ITS MOST CHERISHED SECRETS AS CLEARLY AS IF IT UTTERED THEM BY VOICE. AND IT WAS NOT A BOOK TO BE READ ONCE AND THROWN ASIDE, FOR IT HAD A NEW STORY TO TELL EVERY DAY."

TODAY, WE ARE PRESENTED WITH THE OPPORTUNITY TO PRESERVE AND ENHANCE THE CHATTAHOOCHEE RIVER AND THE STORY WHICH IT HAS TO TELL. I HOPE THAT YOU WILL NOT CAST THIS BOOK ASIDE, BUT WILL HELP US IN PRESERVING IT FOR GENERATIONS TO COME. AGAIN, I URGE YOUR SUPPORT OF THIS BILL AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Senator WALLOP. The staff says you have just insulted the Chairman's canoeing ability.

Let me begin by saying I appreciate your testimony, and I appreciate the expression of the value of that piece of property. I guess I have to begin by asking you why it is beyond the State's and the city's authority to deal with zoning matters and other protection?

You have what now, 6,000 acres of it that are authorized? Three thousand acres of it have been acquired; 80 percent of the use of it is by people of those urban areas, and the statement that it is beyond the ability of the State of Georgia or the city of Atlanta, I have to ask why in terms of zoning authority and other authority of the State to make those protections?

Senator NUNN. Mr. Chairman, let me put it this way. I think this should be a partnership between the local governments, the State of Georgia, and the Federal Government. I do not think it is a singular Federal responsibility, but our bill reflects that.

This bill is a partnership approach between the Federal Government, the State government, and the local government. The State government has already donated a substantial amount of land. We do have some very I think effective zoning ordinances that have been passed at local levels. We have a comprehensive river protection zoning ordinance that has been passed at the State level.

We are not acquiring anything like all of the land along that boundary. If you look at the map, you will see that there is an awful lot of private land there that will continue to be private, so we have scaled this down from a 15,000-acre project as it was envisioned by the Park Service itself several years back, to about half of that.

It is a question as I see it whether the Federal Government is going to play a role in that partnership and the extent to which the Federal participation will be reflected, so we believe this is a partnership approach. We believe the State government, the city government, and the county governments are playing a vital role. We think they are doing all they can do, and it will take the Federal effort here to help cement this and put it together.

I might add that a great deal of the critical land has already been purchased. We have already made substantial progress in this regard. What we are trying to do now is make sense of the final product. We are not talking about a huge amount of additional Federal money. The main purpose of this legislation is to swap lands within certain areas. We are authorizing a larger dollar amount, but not a huge amount of additional authorization, so I would submit that this indeed is a partnership. The Federal Government should not play the only role, but it must play a major role.

As far as the city of Atlanta, most of this land is not in the city of Atlanta itself. Of course, it is all within the State of Georgia, and I think the State of Georgia then must and will continue to play a very vital role.

Senator WALLOP. See, the thing that keeps sitting so heavily on my mind—and keep in mind that I am not quarreling in any way with the value of the resource to the State of Georgia and the city of Atlanta and to the Nation.

Depending on whose figures you take, we now have somewhere between $2 and $5 billion backup in lands that belong to Americans that we have authorized for park acquisition all around the country everywhere—east, west, north, south. No part of the country is immune from it. These people have had the most insidious kind of taking exercised against them. They literally cannot do anything with their property but what exactly is there now. If it doesn't have a house, they can't build one. They can't sell it because nobody else can build it either.

The only thing they can do is sit and pay taxes, and I am extremely reluctant to add to that bill and that growing list of Americans who have been treated so shabbily by their Government.

I don't know what the resolution of it is, but Congress has been so willing to authorize for acquisition and to declare certain properties in America to be parks, then have just walked away from the obligation of acquiring it from the people that own it. They have in California, in Wyoming. We have it I suspect in Georgia. I know we have had it in Ohio. I don't believe there is a State in the country which hasn't had this take place, and we keep adding to it insensitively.

Senator NUNN. I think that your point is well taken in many areas. I do believe that that is not the case here. We have funded a great deal of purchase. I am not saying there is no one in the State of Georgia that owns land along here that has no complaint at all. We have very little complaint from developers, very little complaint from private landowners. They are included in this. We have had unprecedented cooperation with people developing the property. We have had a great group of conservationists that have been the leading edge on this but have also been very balanced in their approach.

I do not believe the situation you have described applies to the Chattahoochee and to this land.

Senator WALLOP. Well, it does to this extent, Sam, and I am not in any way trying to be quarrelsome, but the fact is that even supposing everybody that has property is willing to sell it, that moves them to the top of the line, moves everybody else in the country who has this situation existing still holding his or her particular property, and the country still unwilling to deal with them on it. That is another $12 million.

Senator MATTINGLY. The debate whether this is different than other areas, I think it is. I think this delegation thinks it is. I don't think that—you can't take every plot of land and say as a blanket that everybody is trying to do somebody in somewhere, and I don't think that is the case.

Senator WALLOP. I am not suggesting we are trying to do anybody in.

Senator MATTINGLY. I understand the situation in the West, and I think there is a definite difference in the view of parks and recreation areas in the East and as far as the Federal Government acquiring land, and there is a different view, and if I lived out West, I mean my State was donating 70 percent of it, I would be reluctant, but getting back to the other point you brought up——

Senator WALLOP. Let me just say for a second, Mack, because it doesn't make any difference where in the country you are—if you have a piece of property that the Government has essentially taken and refuses to pay for, it feels the same no matter where you are, and I am not suggesting this is an East versus West issue in any way.

I am just saying that I am increasingly agitated by this. It doesn't bother me if we were neutral in the world. It doesn't bother me at all that the Government would be acquiring this land for parkland in your State or any eastern State or anywhere else in the country, but we are not neutrally oriented now. We have a multibillion-dollar backlog of property that we have essentially condemned from Americans, and no matter what you do by way of spending money somewhere else, you simply move them back down in the order of priority of a country that is suffering from great budget deficits.

That is the only point I am making. I am not saying it is not worth doing or worth less or worth more doing there or anywhere else. I am saying we have a very serious problem in the country. Congress has been engaged in a decade-and-a-half-long binge of immorality because it has this huge appetite for land which it is unwilling to pay for.

Senator MATTINGLY. I would agree with that. You almost have to take it, as we do in the committee that we serve on, and which we should, on a case-by-case basis, and that is why we are laying out this case, the reason why we would like to have the committee come see it and see if in fact it is justified to be authorized, what we are asking this subcommittee to do, which we think it is, and not to give the wrong inference about what the city and the State has done because it has had tremendous land swaps and acquisitions and money paid for by our State, and I know in my short time in the U.S. Senate what they have been able to do, and I think in the last 3 years with the land swapping it has been fantastic with juggling back and forth, but it needs to finally be set in concrete and give the final map to this Chattahoochee River National Recreation Area.

That is all we are trying to do here today is get the final plan down in concrete.

Senator NUNN. I agree with Senator Mattingly. I would say the major thrust of this legislation is to take certain property that the park people believe is of a lesser priority and be able to have the Secretary have the authority to swap that for property that is of a high priority so we are talking about swapping land. We are talking about an amendment on a reregulation dam that will help solve that problem which is a water resource problem.

Mr. Chairman, I would submit to you that if you look at the history of this legislation, the situation you have described where we authorize huge amounts of land and then knowingly delay the appropriation and thereby impede private land ownership from taking their own course with the land, I think that would have described this legislation had we gone with the original 15,000 acres.

I think what distinguishes this Chattahoochee Park from the situation you have described in other areas is that we did not take that approach. We carved out a huge park, 50 percent of the desirable parkland, and we got the amount of acres down to about 7,700, and we have worked from a realistic figure, and I don't believe this project should be victimized by what others have done in authorizing a lot more than they could ever realistically appropriate.

We truly believe that we are going to be able to get the appropriation for this, particularly with Senator Mattingly and his power and influence on our Appropriations Committee.

Senator WALLOP. I don't quarrel with this. I am saying that is $12 million that will have to come out of the pocket of somebody who may have bubbled up to the top of the list.

Senator MATTINGLY. They will probably take it out in consulting fees.

Senator NUNN. If we had 15,000 acres here, then this project would be typical of what you have described. We don't.

Senator WALLOP. It is not the vastness of the land that is worrying me. It is simply adding to a level of obligation which the country has undertaken that worries me. In no way do I quarrel with the value of the thrust of the legislation, the purpose of it. I just find myself in the dilemma where I am really sick and tired of what we are doing to so many people in the country.

Senator MATTINGLY. I might add that the first check that was ever delivered from the Bureau of Outdoor Recreation, I think, for acquisition of the Chattahoochee Park was delivered by the guy who headed the Bureau of Outdoor Recreation. I think it was Jim Watt.

Senator WALLOP. It was who?

Senator MATTINGLY. Jim Watt; I rest my case. It must have been a good buy.

Senator WALLOP. Oh, I don't quarrel with the idea it was a good buy. I mean in no way do I do that. That is neither relevant nor irrelevant. What is relevant is where we are, and to the extent there are swaps and other things that are conceivable and possible. I have been working on those concepts ever since I have been here because I think that the whole business of fee acquisition in this country by the Government is in many instances wrong. We can acquire the protections that we need through a whole number of other means other than by fee purchase, and that part of the bill I am very enthusiastic about.

I want you to understand that I have no quarrel with the concept of this thing, but I am deeply troubled by where we are in spending money in the country and moving projects ahead of others and leaving people who are now getting old in terms of their lease value because they have been hurt for 20 years and 15 years and 8 years, and it is just one of those things that we will wrestle with.

Senator NUNN. Mr. Chairman, I think you make a valid case. I do not quarrel with that. I would hope, though, that where we have tried to avoid that in this project, where we have not authorized huge amounts of land, where we cut the size down so dramatically from what was desirable and what was originally called for, that this piece of legislation where we have taken a responsible approach would not be held hostage because of that larger problem which is a real problem and a valid problem that I concur with you on.

Senator WALLOP. I appreciate it very much. I see your colleague Congressman Levitas has arrived. Thank you both.

STATEMENT OF HON. ELLIOTT H. LEVITAS, A U.S. REPRESENTATIVE FROM THE STATE OF GEORGIA

Mr. LEVITAS. Thank you, Senator, and I will be very brief. I know that my colleagues have covered many of the points that I had intended to make.

The points that I understand have been raised so far by you are, first, the size of the park itself and also the cost that is related to the budgetary deficits that the country is facing.

I would like to make two points about that. One, simply to refer to the fact that the original legislation called on the parties involved to look at the dimensions of the park and come up with a final proposal that gave the concept its reality—no one in advance to find out, identify exactly where the boundaries ought to be, how much land should be included and which particular parcels except in a general way.

When that process was conducted, I would say that the groups that were primarily the advocates of the park—the Friends of the River, the conservation organizations—really were proposing a park that had dimensions of approximately 12,000 acres. It was that concept that was originally being proposed as part of this follow-on process.

It was in the spirit of compromise and to maintain the national significance of this very precious area that the dimensions that are now described in the pending legislation were arrived at, so it really is a cutting back of what might otherwise have been proposed under other circumstances.

Now as far as the funding is concerned, I am glad that question has been raised because I think far too often we lose sight of the fact that the acquisition of parklands of this sort are acquired primarily from the Land and Water Conservation Fund. The Land and Water Conservation Fund, as I am sure the Senator is well aware, is a fund that is essentially created from the royalties and lease rights from public lands and coastal waters.

What we have done by setting up the Land and Water Conservation Fund is say that if we are going to exploit and develop and utilize these public lands owned by the American people, that what we should do is take the proceeds of those royalties and leases in the public lands and in the coastal waters and flow them back into public lands for the public benefit. The money belonged to the American people. It ought to go back in a commensurate way, and so it is not something that we are taxing people out of the income tax or other revenue sources, but really we are using funds that come out of the Land and Water Conservation Fund as the source of this.

In fact, if I were to be critical of the Congress over the last several years, it is that we have played that shell game with land and water conservation funds, the same type of shell game you play with the Aviation Trust Fund or the other trust funds. We pretend that this is money that is properly used for some other purpose when in fact it was set up to acquire public lands, parks, and the like, so I think that is an important distinction that should be noted, but with respect to the Chattahoochee, I will not take this time to belabor the fact that it is a very unusual resource. It is more than just a local or regional or State facility.

Because of its location and because of its accessibility in between two major interstate highways which provide access for people all over the eastern part of the United States, we have this high utility of this park. We have a very precious opportunity here because while it is located close to an urban area, it is still for the most part unblemished and can be preserved for future generations.

If we lose this opportunity, it is the ideal target for development, and that is precisely why it is very important that we move forward and move forward fast in order to make certain that we can maintain this unusual opportunity for generations to come, and I appreciate the Senator's interest in the matter, and I urge him to join with all of us in the Georgia delegation, Republicans and Democrats, unanimously supporting this legislation.

Senator WALLOP. Thank you. I am well aware of the Land and Water Conservation Fund, but I am also well aware of Congress delightful penchant of using it to authorize the rest of its daydreams and not funding it. It hasn't been funded since it was established to the full extent it has been authorized.

Mr. LEVITAS. I agree.

Senator WALLOP. And so it doesn't do anything about my problem of what this Congress has done to the American people who happen to own a tract of land near places of national interest. We have simply taken it away from them except that we leave them with the obligation to pay the State and local taxes on it. They can't use it in any kind of creative way. They can't sell it because nobody else can either. The only thing they can do is back up a bulldozer and start to force some kind of immediate action. That is my problem.

It has nothing to do with the size of it. If it was 400,000 acres and it was legitimate, the problem still remains. If it is 17 acres and it is going to do the same thing, the problem still remains. To the extent that, you know, it provides for exchanges, provides for other than fee acquisition where there is some kind of compensation for the ownership and the resource value of it is protected, all of those things I fully approve of, and I approve of the water project thing. It is just that we have done something terrible in America and we keep on doing it, and each time we slide something in front of it, we keep on saying to those that have been treated shabbily just hang on, you are used to being shabbily treated now and some day when we have acquired everything else we will get back and unshabby you.

It has nothing to do with the Georgia delegation's desire and devotion to this project. It is well placed. I say again I have no quarrel with that. It has to do with the irresponsibility of Congress in the treatment of Americans, and one of the problems that I see is that somewhere, some day, one of these people is going to join together in a class action suit and unravel every damn thing we have done because I don't believe the Constitution permits us to do what we have done to these people, and then lots more is at stake besides an additional 3,000 acres in Chattahoochee or the State of Ohio or the State of Wyoming or anywhere else in the country.

I don't know how to explain it any better than that to you. I have no quarrel with the concept that we are talking about and that you are proposing. I just have a deep-seeded feeling of guilt and shame of what Congress has done to these people.

Mr. LEVITAS. May I make an observation, Senator, on that point? May I address that point? I know of a couple of situations that are rather dramatic of the type you described, one that has been called to my attention in Hawaii where there has been some land sitting around there for about 5 years now and they have tried everything in the world either to get the Government to acquire the land or to swap some land with them or to do anything just to get it going in one direction. It hasn't been done.

I don't think this authorizing legislation creates the same problem, however, and the reason I say that is it is not based on any theory. It is based upon what I have observed in the Chattahoochee corridor where a tract of land has been identified as being subject to inclusion in the park, and the Park Service has the funding to go forward. Efforts have been made cooperatively to work it out; where the owners of these tracts have—and most of them have been very cooperative and have sacrificed because they believe in this park, too—but where they have waited for too long to actually move forward, these people have sold the land, and it has been turned into a residential and other type of developments, and there are two or three parcels which are now identified that will be subject to this if we don't move forward in acquiring it even though we have identified it within the boundaries of this park.

The fact that it has been identified with authorization has not in fact prevented the people who own this land to go out and sell that where the Park Service has not had the resources to move forward, and so I am urging—I recently testified before Chairman Yates' subcommittee and urged him to make the point in his bill this year—let me give you an example.

In the areas that have already been identified as part of the national park under the original legislation part of the Jones Bridge tract which is already in the park, the Nealey Farm area which was a very highly desirable area, and the Isle of Four tracts have been lost to development, so these people are not where the string has run out simply standing around and suffering. They are moving forward, unfortunately, because we have not provided the funds to do what needs to be done, so I don't think you have the victimization in this situation because of the nature of the property that you may have on some of the other situations, and it is that reason precisely that Senator Mattingly and Senator Nunn and those of us in the Georgia delegation have been urging the Appropriations Committee to do what they ought to be doing.

If we make a decision that this is where the park ought to be, let's fund it. Let's buy it and let's do what we said we are going to do.

Senator WALLOP. I don't quarrel with that. It just leaves somebody else without the funds to have their property acquired which is in the same circumstance. I wish I knew a quick and easy answer to it all. We will struggle with it. I appreciate your testimony.

Next is a panel consisting of Mr. David Gaines, chairman of the board of directors for the Mono Lake Committee in Los Angeles; Andrea Lawrence who is no stranger to this committee, a member of the Mono Lake Board of Supervisors; Bruce Kuebler, assistant aqueduct division engineer, department of water and power from Los Angeles; Peggy Stevenson, councilwoman for the city of Los Angeles.

Mr. Gaines.

Mr. GAINES. Mr. Chairman, I have been requested, if it is appropriate to the committee, to allow Peggy Stevenson to go first because she has to make a connection.

Senator WALLOP. By all means.

Ms. STEVENSON. Thank you. Thank you very much.

STATEMENT OF PEGGY STEVENSON, COUNCILWOMAN, CITY OF LOS ANGELES, CA

Ms. STEVENSON. Members of the committee and Mr. Chairman, my name is Peggy Stevenson, councilwoman of the city of Los Angeles, and this is my first opportunity to come to your area, and I do appreciate the opportunity to appear before you today and to provide you with a brief overview of the city's position on H.R. 1341, the Mono Basin National Forest Scenic Area bill.

Quite simply, the city of Los Angeles finds this bill acceptable as it passed the House of Representatives. As you may be aware, the city of Los Angeles' efforts to develop and maintain a dependable supply of water have had a long, colorful, and sometimes controversial history.

However, I am pleased to report to you that today we are in accord with our neighbors to the north, and just recently signed a cooperative agreement with Inyo County regarding our water diversions from the Owens Valley. In this same spirit, we also recognize the interests of our northern neighbors in Mono County and are committed to working together as we have done in developing H.R. 1341.

Unfortunately, not all our concerns are behind us as we still remain in court on the issue of our future diversions from the Mono Basin. This latest chapter in our long history has yet to be brought to a conclusion, and it is precisely for this reason that in the House of Representatives we opposed the national monument proposals.

It is the position of the city of Los Angeles that H.R. 1341 as amended contains an important recognition of Los Angeles' water rights, and it is our belief that it will not intrude into the litigation which most appropriately remains a State issue to be carried out in the manner mandated by the California Supreme Court.

In summary, the Mono Basin National Forest Scenic Area is an alternative to the national monument designation which I understand is acceptable to the environmental interests as well as to the water interests of Los Angeles.

Mr. Chairman, again it was a pleasure to appear before you, and it really was an honor, and I am going to ask that you allow me to leave because I have to catch a train.

Senator WALLOP. Are you taking it back to California?

Ms. STEVENSON. No. I am going to New York, and before I leave I would like to present Bruce Kuebler of our department of water and power, and thank you for the opportunity to appear before you.

Senator WALLOP. Thank you very much.

[The prepared statement of Ms. Stevenson follows:]

STATEMENT
OF
PEGGY STEVENSON
COUNCILWOMAN, CITY OF LOS ANGELES
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

MAY 17, 1984

MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE, MY NAME IS PEGGY STEVENSON, COUNCILWOMAN OF THE CITY OF LOS ANGELES, AND I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO PROVIDE YOU WITH A BRIEF OVERVIEW OF THE CITY'S POSITION ON H.R. 1341, THE MONO BASIN NATIONAL FOREST SCENIC AREA BILL. QUITE SIMPLY, THE CITY FINDS THIS BILL ACCEPTABLE AS IT PASSED THE HOUSE OF REPRESENTATIVES.

AS YOU MAY BE AWARE, THE CITY OF LOS ANGELES' EFFORTS TO DEVELOP AND MAINTAIN A DEPENDABLE SUPPLY OF WATER HAVE HAD A LONG, COLORFUL AND SOMETIMES CONTROVERSIAL HISTORY. HOWEVER, I AM PLEASED TO REPORT TO YOU THAT TODAY WE ARE IN ACCORD WITH OUR NEIGHBORS TO THE NORTH, AND JUST RECENTLY SIGNED A COOPERATIVE AGREEMENT WITH INYO COUNTY REGARDING OUR WATER DIVERSIONS FROM THE OWENS VALLEY. IN THIS SAME SPIRIT, WE ALSO RECOGNIZE THE INTERESTS OF OUR NORTHERN NEIGHBORS IN MONO COUNTY, AND ARE COMMITTED TO WORKING TOGETHER AS WE HAVE DONE IN DEVELOPING H.R. 1341.

HOWEVER, NOT ALL OUR CONCERNS ARE BEHIND US, AS WE REMAIN IN COURT ON THE ISSUE OF OUR FUTURE DIVERSIONS FROM THE MONO BASIN. THIS LATEST CHAPTER IN OUR LONG HISTORY HAS YET TO BE BROUGHT TO A CONCLUSION, AND IT IS PRECISELY FOR THIS REASON THAT IN THE HOUSE OF REPRESENTATIVES, WE OPPOSED THE NATIONAL MONUMENT PROPOSALS. IT IS OUR POSITION THAT H.R. 1341, AS AMENDED, CONTAINS IMPORTANT RECOGNITION OF LOS ANGELES' WATER RIGHTS, AND IT IS OUR BELIEF THAT IT WILL NOT INTRUDE INTO THE PENDING LITIGATION WHICH MOST APPROPRIATELY REMAINS A STATE ISSUE TO BE CARRIED OUT IN THE MANNER MANDATED BY THE CALIFORNIA SUPREME COURT.

IN SUMMARY, THE MONO BASIN NATIONAL FOREST SCENIC AREA IS AN ALTERNATIVE TO THE NATIONAL MONUMENT DESIGNATION WHICH I UNDERSTAND IS ACCEPTABLE TO THE ENVIRONMENTAL INTERESTS AS WELL AS THE WATER INTERESTS OF LOS ANGELES.

AGAIN IT WAS A PLEASURE FOR ME TO APPEAR BEFORE YOU TODAY AND MAY I PRESENT MR. BRUCE KUEBLER OF OUR DEPARTMENT OF WATER AND POWER.

STATEMENT OF BRUCE W. KUEBLER, ASSISTANT AQUEDUCT DIVISION ENGINEER, DEPARTMENT OF WATER AND POWER, CITY OF LOS ANGELES, CA

Mr. **Kuebler**. Good morning, Mr. Chairman. I am Bruce Kuebler, assistant aqueduct division engineer of the Los Angeles Department of Water and Power.

On behalf of the city, I appreciate this opportunity to testify today regarding H.R. 1341 and S. 1331. Mr. Chairman, I would like to submit my written statement for the record and summarize it in less than 5 minutes.

Senator **Wallop**. The whole statement will be in the record.

Mr. **Kuebler**. Los Angeles' interest in this legislation stems from the fact that approximately 85 percent of its water supply is imported from distant origins such as the Mono Basin. Los Angeles has vested rights and interests in maintaining and protecting its various outside sources of water because the local source—the watershed of the Los Angeles River—is limited and can only provide about 15 percent of the total water supply needs of more than 3 million people who reside in Los Angeles.

Los Angeles receives about 17 percent of its water supply, enough for 500,000 people, from the flow of fresh water streams which flow into saline Mono Lake. The residents of Los Angeles have been depending on this source of water for more than 40 years and have invested over $100 million in facilities for the use of this supply. As this water flows by gravity to Los Angeles, it generates in excess of 300 million kilowatthours of electricity at hydroelectric powerplants along the Los Angeles aqueduct. The replacement value of this water and electricity is about $40 million per year.

Details of the city's historical involvement in the Mono Basin, regional water supply issues, and the city's environmental research program at Mono Lake are in my written statement. Representatives of Los Angeles testified against bills which would create the Mono Lake National Monument. The concerns expressed then are the same concerns that the city has with S. 1331. These are in my written statement.

Subsequent to the subcommittee's June, 1983 hearing, Los Angeles worked with Representatives John Seiberling, Richard Lehman, and Glenn Anderson to develop an acceptable alternative to the national monument proposal. The production of that successful effort is the version of H.R. 1341 before this subcommittee today.

Importantly for the city, the scenic area provides explicit recognition of the city's use of Mono Basin water. It does this by, one, requiring that the scenic area be managed in a manner consistent with the protection of the city's water rights which were granted by the State of California, and two, recognizing that the city's water diversion operations would be a continuing activity within the scenic area boundaries.

The following excerpts from the House committee report further clarify the legislative intent regarding the Los Angeles water supply operations, and I quote:

> The rights to use water tributary to Mono Lake, and the manner of exercise of such rights is a matter to be administered by the State of California pursuant to

> State law. Accordingly, changes in the level of Mono Lake due to natural or artificial causes shall not be deemed contrary to the provisions of this Act.

Further—

> The Committee strongly emphasizes that the Act creating the Mono Basin National Forest Scenic Area is not intended to provide a basis for any party or person to challenge through litigation water diversions in the Mono Basin and within the Scenic Area pursuant to existing laws governing such operations.

For the last 5 years, Los Angeles has been involved in a major lawsuit which seeks to compel the city to discontinue its use of Mono Basin water. In February 1983, the Supreme Court of California rendered the landmark decision in this case ruling that the public trust values of the Mono Basin area must be balanced with the water needs of the people of Los Angeles. In this context, the preceding provisions are important to the city. They represent a continuation of Federal support for the city's water supply endeavors that began in 1901 and covered nearly 50 years during which there would be 11 acts of Congress, 10 Executive orders, and 2 Department of Interior withdrawals.

In recognition of the foregoing, we believe that the Mono Basin National Forest Scenic Area is an acceptable alternative between environmental interests and the water interests of Los Angeles.

Thank you for your attention and the opportunity to testify. I will be pleased to answer any questions you may have.

Senator WALLOP. Thank you, Mr. Kuebler. Ms. Lawrence?

[The prepared statement and attachments submitted by Mr. Kuebler follows:]

STATEMENT OF
BRUCE W. KUEBLER
ASSISTANT AQUEDUCT DIVISION ENGINEER OF
THE DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
IN WASHINGTON, D.C.
MAY 17, 1984

Good morning, Mr. Chairman and Members of the Subcommittee. I am Bruce Kuebler, Assistant Aqueduct Division Engineer of the Department of Water and Power of the City of Los Angeles. On behalf of the City, I appreciate this opportunity to testify today regarding H.R. 1341, a bill to establish the Mono Basin National Forest Scenic Area, and S. 1331, a bill to establish the Mono Lake National Monument, both relating to the Mono Basin in the State of California.

Los Angeles' interest in this legislation stems from the fact that approximately 85% of its water supply is imported from distant origins, such as the Mono Basin region. Los Angeles has vested rights and interests in maintaining and protecting its various outside sources of water because the local source -- the watershed of the Los Angeles River -- is limited and can only provide about 15% of the total water supply needs of over 3.1 million people in the City of Los Angeles.

Los Angeles receives 17% of its water supply, enough for 500,000 people, from certain fresh water streams which otherwise would flow directly into saline Mono Lake. The residents of Los Angeles have been depending on this source for more than 40 years, and have invested over $100 million in facilities for use of this supply. As this water flows by gravity to Los Angeles, it generates in excess of 300 million kilowatt hours of electricity at hydroelectric power plants along the Los Angeles Aqueduct. The replacement value of this water and electricity is about $40 million annually. The City's historical involvement in the Mono Basin, regional water supply issues in Southern California, and the City's environmental research program at Mono Lake is described in 1) the attached written statement submitted by Mr. Paul H. Lane, General Manager and Chief Engineer of the Los Angeles Department of Water and Power, to the House Interior Subcommittee on Public Lands and National Parks on June 2, 1983, and 2) in the attached document titled "Los Angeles' Mono Basin Water Supply" dated March 1984. The attachments are provided for the record.

For obvious reasons, the City is sensitive to legislation that may affect its water supply interests and operations in the Mono Basin. In 1982, and again in 1983, representatives of Los Angeles testified before the House Subcommittee on Public Lands and National Parks regarding several bills (H.R. 1341, H.R. 391 and H.R. 392) which would create a National Monument in the area of Mono Lake. The concerns expressed at these hearings are the same concerns the City would have with S. 1331. Without taking time to provide the Committee with detailed background, from a legal perspective, the Mono Lake National Monument bill caused Los Angeles concern for four major reasons:

1. It directs the Secretary of the Interior to manage the monument in accordance with the bill and the national forest system with no acknowledgement of the duty to continue to manage the area of the monument as a water source for the City of Los Angeles;
2. It creates a competing use for water in the Mono Basin;
3. It repeals the 1936 act - an act in favor of the City of Los Angeles, and
4. It requires studies of the City's water transport, consumptive use, and conservation practices, and thereafter requires recommendation for legislation based upon the studies.

For these reasons, Los Angeles strongly opposed such legislation. Attached to this statement for the record is a written statement of Kenneth W. Downey, Assistant City Attorney, City of Los Angeles, submitted to the same House Subcommittee which provides further background for this position.

Subsequent to the Subcommittee's June 1983 hearing, Los Angeles representatives worked with Representatives John Seiberling, Richard Lehman, Glenn Anderson and their respective staffs to develop an alternative to the national monument proposal which would be acceptable to all parties involved in the Mono Lake controversy. The product of that successful effort is the version of H.R. 1341 before this Subcommittee today.

Under H.R. 1341, a Mono Basin National Forest Scenic Area would be created to provide land use guidelines for preserving the scenic qualities of the Mono Basin and to transfer the jurisdiction of federally owned lands within the Scenic Area from the Bureau of Land Management to the Forest Service. Within the Scenic Area, timber harvesting, geothermal drilling, most mining and the sale of Federal lands around Mono Lake would be prohibited. With regard to such land matters, the City has taken no position. Its sole interest in this legislative process is to guarantee to the City a bill that would not impact the City's longstanding water rights and water supply in the Mono Basin region. Importantly for the City, the Scenic Area provides explicit recognition of the City's use of Mono Basin water. It does this by:

- Requiring that the Scenic Area be managed in a manner consistent with the protection of the City's water rights which were granted by the State of California.
- Recognizing that the City's water diversion operations would be a continuing activity within the Scenic Area boundaries, and
- Mandating that a comprehensive management plan be developed for the Scenic Area which is to be consistent with the protection of water rights granted under State law.

The following excerpts from the House Committee Report No. 98-291 further clarify the intent of the legislative language which protects Los Angeles' water supply operations:

1. "The rights to use water tributary to Mono Lake, and the manner of exercise of such rights is a matter to be administered by the State of California pursuant to State law. Accordingly, changes in the level of Mono Lake due to natural or artificial causes shall not be deemed contrary to the provisions of this Act." [page 8]

2. "The Committee strongly emphasizes that the Act creating the Mono Basin National Forest Scenic Area is not intended to provide a basis for any party or person to challenge through litigation water diversions in the Mono Basin and within the Scenic Area pursuant to existing laws governing such operations. The Act does not in any way reserve any water for purposes of the Scenic Area and provides that the Scenic Area shall be managed by the Secretary in a manner consistent with the protection of water rights." [page 9]

H.R. 1341 also grants the rights of way for Los Angeles' Aqueduct facilities in Mono County in keeping with the 1936 Act of Congress that allowed Los Angeles to purchase federally owned lands in Mono County.

The preceding provisions are important to the City. For the last five years Los Angeles has been involved in a major lawsuit which seeks to compel the City to discontinue its use of Mono Basin water. In February 1983, the California

Supreme Court rendered a landmark decision in this case ruling that the public trust values of the Mono Basin area must be balanced with the water needs of the people of Los Angeles.

In this context, our belief was that the federal creation of a national monument or similar designation would contribute to a change in the status quo in the middle of one of the most significant natural resource proceedings to take place in California history. It was our concern that this action by Congress could elevate the status of the lake in the eyes of the body performing the balancing, and harm the interests of the citizens of Los Angeles.

Although our concerns are real, we also understand the interests in furthering federal land management practices in the Mono Basin region. The City is deeply involved in environmental work at Mono Lake to gain a better understanding of the lake's ecology. We believe the Mono Basin National Forest Scenic Area bill is an acceptable alternative between those environmental interests and the water interests of Los Angeles.

Thank you for your attention and the opportunity to testify. I will be pleased to answer any questions you may have.

STATEMENT ON S. 1331 (IDENTICAL TO H.R. 1341 INTRODUCED IN THE HOUSE OF REPRESENTATIVES ON FEBRUARY 8, 1983)

SUBMITTED TO THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
U. S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
IN WASHINGTON, D.C.

MAY 17, 1984

BY

KENNETH W. DOWNEY, ASSISTANT CITY ATTORNEY
DEPARTMENT OF WATER AND POWER OF THE
CITY OF LOS ANGELES

NOTE: COMMENTS ON H.R. 1341 MADE IN THIS STATEMENT APPLY TO S. 1331

STATEMENT OF KENNETH W. DOWNEY
ASSISTANT CITY ATTORNEY
CITY OF LOS ANGELES
DEPARTMENT OF WATER AND POWER
SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS
UNITED STATES HOUSE OF REPRESENTATIVES
JUNE 2, 1983

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We thank you for the opportunity to share our views and make comments upon H.R. 1341 and H.R. 391 and 392, all relating to the Mono Basin.

My name is Kenneth W. Downey, and I am the Assistant City Attorney, City of Los Angeles, Department of Water and Power, Legal Advisor to the Water System for the City of Los Angeles, and Legal Counsel on all of the Mono Lake litigation since its inception.

From a legal perspective, the establishment of a National Monument causes Los Angeles concern in two of the main areas: 1) the impact of the passage of H.R. 1341 may have on existing legal actions challenging the City's rights to divert waters in the Mono Basin, and 2) the issue of the adequacy of the protection of the City's longstanding and exercised water rights in the Mono Basin.

Let me describe the litigations that the City is engaged in over its water rights in the Mono Basin. It is to be stressed--that this is not potential litigation, but active ongoing, immediate, threats directed at the City and Mono Basin. The first case is the National Audubon Society vs. the Department of Water and Power. The principle contention of the Audubon

Society is that the California Water Rights System in general, and the City of Los Angeles' rights in particular, are subordinate to the California public trust doctrine and that the public trust limits in some fashion the amount of water the City may utilize under its valid California water rights permits. The public trust doctrine, briefly, is an ancient doctrine that exists in some form, in all the states in the Union. It may be basically described that there is a trust over all navigable waters of the state for the general purposes of commerce, navigation and fisheries, with the state acting as trustee for the benefit of the people. The trust purposes have, in California, been recently expanded to include as protectable public trust interests what is termed general environmental factors. In the Audubon case, the City generally took the position that the California water rights system which founded on the California constitution, is preeminent over the public trust, reasoning that the California water rights system was established by the constitution and implemented by a comprehensive regulatory and licensing scheme adopted by the State Legislature, who is also the trustee of the public trust. Therefore the Water Rights System is paramount over the public trust.

The issue of what system was predominant--the public trust or the water rights system--was recently decided by the California Supreme Court. The Supreme Court held that neither system was predominant. However, the Audubon Society was entitled to question the City's water rights under the public trust doctrine. The Supreme Court called for a hearing to reexamine, and possibly reallocate, the City's water rights in some rather ill-defined balancing between the needs of the Mono Basin and the needs of Los Angeles and its long reliance upon the waters from that area. The City therefore will be confronting in the very near future this reexamination and possible reallocation hearing before the appropriate court or administrative tribunal.

The second lawsuit I wish to describe is called Sierra Club vs. United States (formerly Sierra Club vs. Andrus). In this action, the Sierra Club has sued various federal officials to compel the government to exercise whatever rights it may have in the Mono Basin under the Federal Land Policy Management Act, any federal reserve right it may have, and any federal riparian rights it may have in the Mono Basin. The City of Los Angeles as a real party in interest in such litigation has intervened, and it is presently pending in the United States District Court for the Eastern District for California in Sacramento.

In each of these actions, a factor of significance are the discrete rights granted to the City of Los Angeles by the federal government. It is a matter of general and frequently held legal principle that the federal government must acquire its water rights under state law with the exception of the Federal Reserve Water Right and any waters needed for the federal navigation servitude. Therefore, the City does not enjoy any water rights per se granted by the federal government; however, the acts of federal government have facilitated the development of the City's rights in the Mono Basin.

As early as the 1920's, the Federal Government withdrew federal land in the Mono Basin from entry of homesteaders and took other actions to protect the City's planned water diversions from the Mono Basin. Commencing on November 25, 1929, there was a series of executive withdrawals, by the President of the United States, of lands in the Mono Basin. All these Executive Orders had the purpose to ". . . protect and augment said City's water supply system . . ." and to reserve the lands ". . . for municipal water supply purposes." These Executive Orders are:

Executive Order 5229: November 25, 1929
Executive Order 5319: April 7, 1930
Executive Order 5512: December 11, 1930
Executive Order 5631: May 26, 1931
Executive Order 5843: April 28, 1932
Executive Order 6206: July 16, 1933

These Executive Orders were supplemented and extended by Acts of Congress. The Act of March 4, 1931 (46 Stats. 1530) withdrew from entry most federal land in the Mono Basin, including all lands littoral to Mono Lake "for the purpose of protecting the watersheds now or hereafter supplying water to the City of Los Angeles . . ."

This Congressional mandate was supplemented by the Act of Congress of June 23, 1936 (49 Stats. 1892), which granted to the City of Los Angeles the Right to purchase all lands in Mono County, including the Mono Basin, to protect the City's facilities and water rights and ". . . for any other necessary purposes." It is this Act H.R. 1341 proposes to repeal outright.

Therefore, the City's appropriations from the Mono Basin have been actively encouraged, fostered and protected by the the Federal Government for 60 years, which is a long time in our end of the world.

It is our belief that the plaintiffs in the lawsuits I have described will attempt to use H.R. 1341 to demonstrate a withdrawal or diminishment of federal support for the City's water rights. Some examples of provisions that might cause the City concern in this regard are:

Section 3(a) (3) grants the Secretary of Agriculture broad discretion to condemn private property to prevent anything deterimental to "...the integrity of the monument or which is otherwise incompatible with the purposes of the Act." Under Section 3(a) (3) (b) guidelines regarding the meaning of detrimental and incompatible would be provided six months after the Act is passed. Any existing activities on private land which may be detrimental to monument purposes are allowed to continue. However, no such positive recognition is given to affirming Los Angeles' continued use of Mono Basin water. To the contrary, reading the direction for administering the monument and the directions for studies could lead to the conclusion that Los Angeles' use of water is a nonconforming use, in the spirit, if not the letter of the proposed law.

Section 4(a) and (b) of the Act generally provide:

> "The Secretary, . . . shall administer the Monument as a separate unit within the boundary of the Inyo National Forest, in accordance with the laws generally applicable to the national forest system, and in accordance with the provisions of this Act."
>
> "The Secretary shall manage the Monument to protect its geologic, ecologic, and cultural resources. The Secretary shall provide for recreational use of the Monument and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act."

Significantly, there is no direction to manage the resource for the protection of the City's water supply either as a primary or co-equal duty. These policy declarations, it will be argued, represent a departure from the clear statements in the above cited executive withdrawals and the 1931 and 1936 Acts. These withdrawals and Acts of Congress were made with the specific intent of the protection of the City's water supply and its right to divert water from the Mono Basin.

We are presented also with the creation of a competing interest in an area critical to the City, the Mono Basin. The National Monument is to be administered, not by standards that are beneficial to the water rights of the City of Los Angeles, but in accordance with standards set forth by the National Forest System and in H.R. 1341. A potential competing use for water resources in the Mono Basin would be established, and that competition is to be interpreted and resolved in accordance with policies and a Congressional action which may be hostile to the City's water rights.

Section 4(i) (1) repeals the 1936 Act, (Public Law # 769). This is the Act that granted to the City of Los Angeles essentially all federal lands in Mono County that are necessary for the operation of its aqueduct and power facilities. The outright repeal of the 1936 Act withdraws the protection of this Act from the City's water supply and the plaintiffs in the legal actions described herein would certainly argue that it evidences an intent of Congress to withdraw favor from the City's aqueduct and that it offers proof that the thrust of the Monument is against the City's water supply. While there are arguments against this and similar contentions, H.R. 1341 would interject into both the Audubon and Sierra Club cases arguments concerning the dilution of Congressional favor for the aqueduct. This would unbalance the legal status quo which is not to the City's benefit whatsoever.

Section 5(a) requires the Secretary to study the consumptive use of water diverted from the Mono Basin by the City, how such consumption can be reduced with known conservation measures and evaluate the City's transportation and distribution systems with recommendations to reduce water loss and increase efficiency and evaluate alternative water supplies. The purpose of this study is to submit a report for legislative action within five years of the adoption of the Act. Significantly, the study itself seems to belie the water rights protection supposedly provided by Section 4(h). If the purpose of the monument is not to affect the City's water supply, why is a study mandated that appears to have this as a goal?

The next major concern from a legal standpoint with H.R. 1341 involves the adequacy to the avowed protection of the City's water rights found in Section 4(h) of the bill. The City has the following general concerns in viewing such a provision:

1. The protection for the Mono supply as part of an imperiled water supply for Southern California, and
2. The interpretation of the savings clause in view of the general tenor of the bill which seems directed at the Mono Basin supply.

This savings clause, and the bill in general, must be viewed against a backdrop of water supply to Southern California as has, or will be, detailed by Mr. Carl Boronkay, General Counsel, Metropolitan Water District. Southern California has native waters for approximately 20% of its population, thus it literally lives or dies by imported water. The imported water is supplied from 3 aqueducts - the Mono/Inyo, the Colorado River, and the State Water Project. All of these are presently, or have been recently, subject to legal, political and legislative assaults, of which H.R. 1341 is only one such attack. Accordingly, anything that purports to deal with that water supply, all prudent people must view with great concern.

With this as a background, let's examine the "savings clauses."

The following provision is found in Section 4(h) of H.R. 1341:

> "Nothing in this act shall be construed to reserve any water for purposes of the monument or to affirm, deny, or otherwise affect

> the present (or prospective) water rights of any person or of the State of California or of any political subdivision thereof, including the City of Los Angeles."

To the extent that this provision disclaims the creation of any reserve federal water right, it declares existing law. Reserve federal water rights date from the creation of the reservations (Cappaert v. United States, 426 U.S. 128 [1976]) and the City's water rights clearly antedate H.R. 1341. To the extent that this provision disclaims any effect on present or prospective use or exercise of water rights of the City of Los Angeles, it is also only declarative of existing law since water rights are acquired pursuant to State law. However, its presence could be helpful because without it, the two City's opponents in the litigation could urge that such legislation was in outright derogation of the City's water rights.

While this provision is helpful, we are still confronted with the fact that since the 1931 Act, the Secretary of the Interior has managed the area for the protection of the City's water supply. With the adoption of H.R. 1341, the Secretary of Agriculture is directed to manage the area for purposes of the Monument. In the Sierra Club vs. The United States cited above, wherein the plaintiffs challenge the City's rights to divert water from Mono Basin, the case is based upon alleged federal rights. Certainly one of the issues that will be argued and asserted is the intent of Congress vis-a-vis the City's water supply and Mono Basin. It is hoped that the "savings clause" will be evidence of no change of intent by a Congress in view of the City's strong rights under the 1931 Act, and its historical diversions pursuant to State permits and licenses. It may be argued the "savings clause" maintains that status quo. It is hoped that it will.

STATEMENT ON S. 1331 (IDENTICAL TO H.R. 1341 INTRODUCED IN THE HOUSE OF REPRESENTATIVES ON FEBRUARY 8, 1983)

SUBMITTED TO THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
U. S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
IN WASHINGTON, D.C.

MAY 17, 1984

BY

PAUL H. LANE, GENERAL MANAGER AND CHIEF ENGINEER
DEPARTMENT OF WATER AND POWER OF THE
CITY OF LOS ANGELES

NOTE: COMMENTS ON H.R. 1341 MADE IN THIS STATEMENT APPLY TO S. 1331

STATEMENT OF
PAUL H. LANE
GENERAL MANAGER AND CHIEF ENGINEER
CITY OF LOS ANGELES
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
IN WASHINGTON, D.C.
JUNE 2, 1983

Mr. Chairman and Members of the Subcommittee. On behalf of the City of Los Angeles, I appreciate this opportunity to testify regarding H.R. 1341, H.R. 392, and H.R. 391, all relating to the Mono Basin. My name is Paul H. Lane, and I am the General Manager and Chief Engineer of the Department of Water and Power, City of Los Angeles. In this capacity, I have the responsibility for meeting the water and energy requirements of the citizens and businesses of the City through management of the City's water and energy supply and distribution systems. I would like to acquaint you with the City's historical involvement in Mono Basin that will lead into a discussion of the proposals for a national monument.

The City of Los Angeles, encompassing an area of 465 square miles, is served exclusively by the Department of Water and Power. The population of the service area has risen from 100,000 at the turn of the century to approximately 3 million residents as of the 1980 Census. It has become the third largest city in the United States and the nucleus of the second most populous standard metropolitan statistical area, Los Angeles County. Contributing to this growth are such factors as a mild climate, varied recreational activities, and educational and employment opportunities. These have stimulated the demand for goods and services which, in turn, have fostered the development of a very broad and varied economic base within the City. The cycle produced a phenomenal rise in trade, manufacturing, finance and a complete range of service industries.

Development of Water Supply From Mono Basin

Water has played an essential role in the origin and development of the City since its founding in 1781 in a semi-arid region surrounded by desert, mountains and ocean.

In the early 1900's the City of Los Angeles, faced with meeting the water needs of its rapidly growing population, constructed an aqueduct to collect fresh mountain runoff before it flowed into saline Owens Lake and evaporated, and bring that fresh water 233 miles to Los Angeles. This aqueduct was completed in 1913. Similarly, in the 1930's, the aqueduct system was extended 105 miles northward to collect fresh waters before they flowed into saline Mono Lake. This extension was to keep pace with the City's growth and was completed in 1941. A second aqueduct was completed to the Eastern Sierra watershed in 1970.

Today, only about 17 percent of the City's water requirements can be met by water sources within the Los Angeles Basin. Most, about 80 percent, of the City's water supply comes from sources as far as 338 miles away via natural and man-made water channels and pipelines. The people of Los Angeles have invested many millions of dollars in programs of land purchase and water rights acquisition, water works construction, and multiple-use management of watershed lands in order to ensure a supply of imported water to meet the demands of increasing population and economic growth. For example, Los Angeles purchased 480 square miles of watershed land in Inyo and Mono Counties to develop and protect its water supply. Those lands are shown on the attached Exhibit. Although these programs were financed totally by the people of Los Angeles, the State of California has permitted the fresh water resources of the Mono Basin for municipal use in the City of Los Angeles and the U.S. government took significant actions in support of Los Angeles' Owens River and Mono Basin projects.

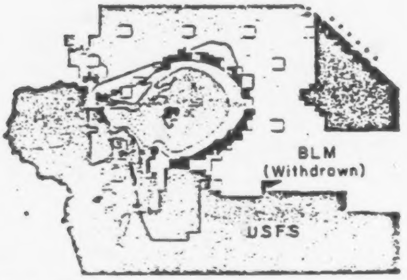
Support of Federal Government

As early as the 1920's, the Federal government withdrew Federal land fron entry of homesteaders and took other actions to protect the City's planned water diversions from the Mono Basin. Commencing on November 25, 1929, there was a series of Executive Withdrawals by the President of the United States of lands in the Mono Basin, all to "...protect and augment said City's water supply system ..." and to reserve the lands "...for municipal water supply purposes." These Executive Orders are:

MONO BASIN LANDS

LOS ANGELES LAND OWNERSHIP

LOS ANGELES LITTORAL RIGHTS



FEDERAL LANDS AND PROPOSED MONUMENT

EO 5229: November 25, 1929
EO 5319: April 7, 1930
EO 5512: December 11, 1930
EO 5631: May 26, 1931
EO 6206: July 16, 1933

These Executive Orders were supplemented and extended by various acts of Congress. The Act of March 4, 1931 (46 Stat. 1530) withdrew from entry most Federal public lands administered by the Secretary of the Interior in the Mono Basin, including all lands littoral to Mono Lake, "For the purpose of protecting the watersheds now or hereafter supplying water to the City of Los Angeles ..." (See attached Exhibit which identifies the several areas withdrawn from entry by the Federal Government.)

This Congressional mandate was supplemented by the Act of Congress of June 23, 1936 (49 Stats. 1892), which granted to the City of Los Angeles the right to purchase all lands in Mono County, including the Mono Basin, necessary to protect the City's faciliites and water rights and "... for any other necessary purposes."

Application for Permanent Easements and Purchase of Mono Basin Lands

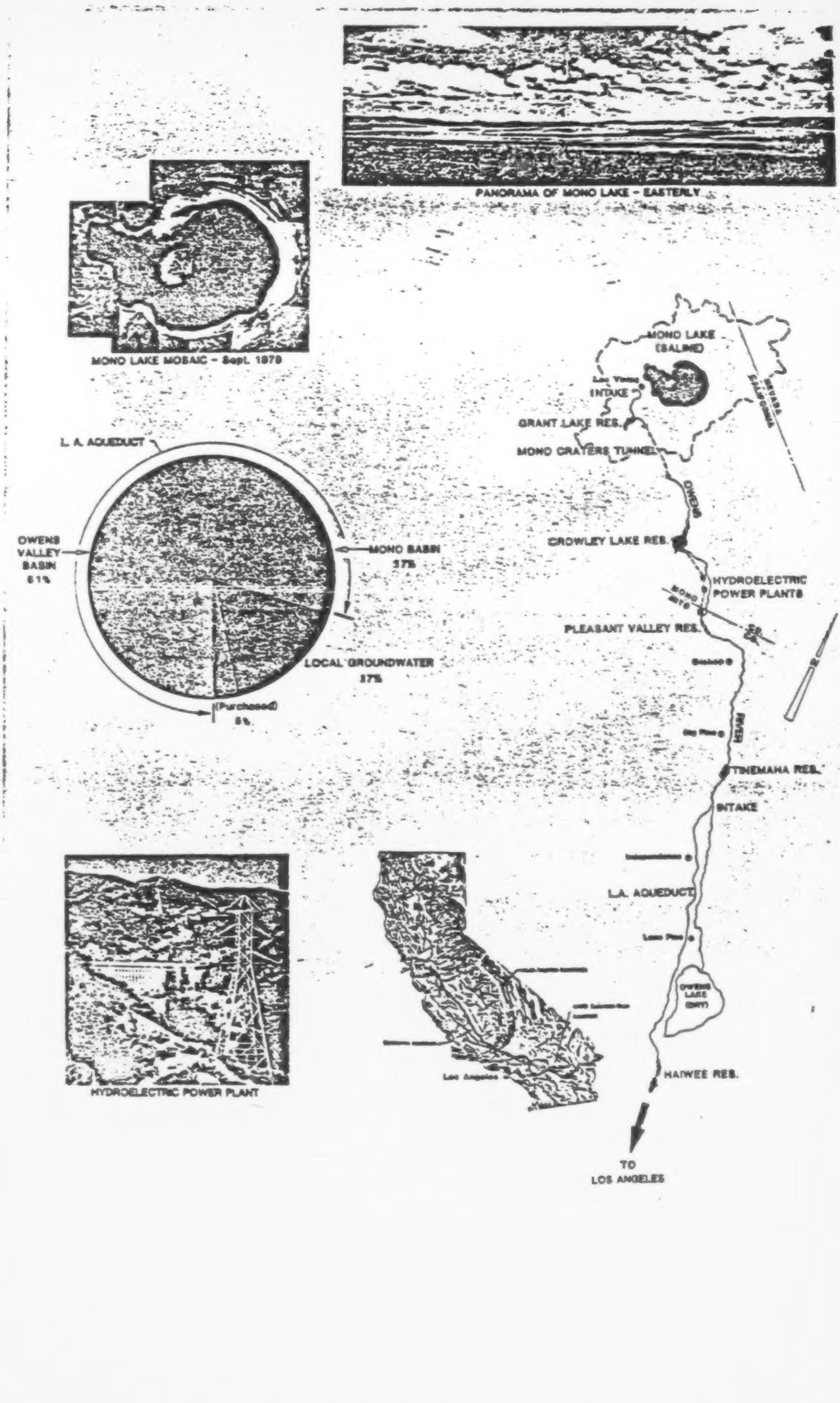
In 1944, Los Angeles filed an application to purchase 23,852 acres in Mono County pursuant to the 1936 Act. Approximately 10,000 acres covered by that filing are within the proposed monument. The 1944 Application is still pending. The

Bureau of Land Management's position on this application in 1946 was, "The remainder (all 40-acre subdivisions, any part of which falls within one-quarter of a mile of the edge of Mono Lake) of the lands applied for in the Mono Lake area, including the two islands in the lake, are needed by the City for protection against possible future damage claims as explained above (adverse claims of possible subsequent grantees of the United States)." This was in a letter to Bureau of Land Management Director from J. H. Favorite, Regional Field Examiner, San Francisco, dated October 22, 1946, p. 17.

The City also applied for permanent easements for its facilities in 1944 and in subsequent years. Most of the applications to purchase the lands and acquire the easements are still pending.

State Water Rights

In 1923 and again in 1934, the City applied for permits from the State of California to divert some of the waters tributary to Mono Lake. In 1940, pursuant to Division 2 of the Water Code of the State of California, the forerunner of the State Water Resources Control Board granted the permits to the City. In 1974, the City's permits ripened into licenses, confirming the City's appropriative water rights that had been perfected and vested by continuous use since the water diversions commenced in 1941. These appropriative rights are recognized property rights and are protected as such.



PANORAMA OF MONO LAKE - EASTERLY

MONO LAKE MOSAIC - Sept. 1979

HYDROELECTRIC POWER PLANT

Los Angeles Operations in Mono Basin

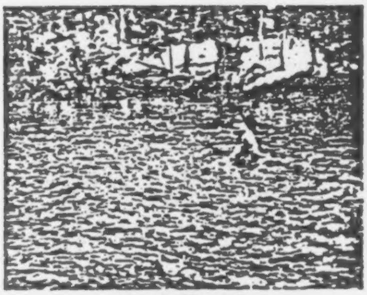
Mr. Chairman, I would now like to focus my testimony on various aspects of Los Angeles operations in Mono Basin. The City has operated and relied upon its water collection and aqueduct facilities in the Mono Basin for more than 40 years. Today, the annual diversion of 100,000 acre-feet of water provides about 17 percent of the City's water supply. As the water flows by gravity along the 338-mile Los Angeles Aqueduct System, it also generates more than 300 million kilowatt hours of clean hydroelectric energy in several power plants, equivalent to burning 500,000 barrels of oil annually at a conventional fossil-fueled power plant. (The City's facilities and operations in the Mono Basin are summarized in the attached exhibit.)

The City has invested more than $100 million in the Mono Basin water and power facilities with no financial assistance from the State or Federal government. As I described previously, the City's water supply from the Mono Basin is protected by the highest form of water rights obtainable under the State System of water law.

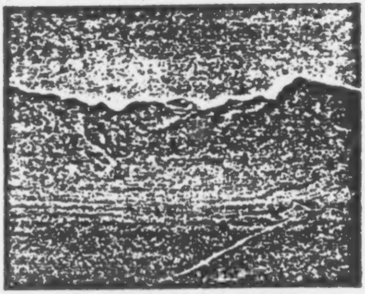
Recreation

In the Eastern Sierra, the Mono Basin fresh water is a valuable recreational resource enjoyed by visitors to Grant Lake and Crowley Lake Reservoirs, and by fishermen along the Owens River. (The attached exhibit portrays some of the recreational uses for Mono Basin fresh water.)

RECREATIONAL USE OF MONO BASIN FRESH WATER



Rush Creek



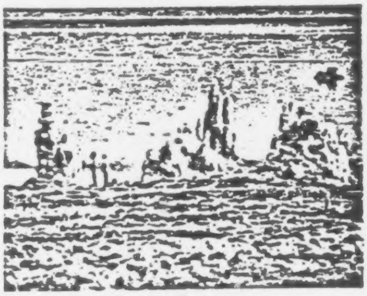
Grant Lake Reservoir

Lake Crowley Reservoir

Owens River

MONO LAKE

Mono Lake



Tufa Towers

Crowley Lake Reservoir is an outstanding example of recreational use for Mono Basin fresh water. Although it is in the upper portion of the Owens River watershed, there are usually more than 10,000 fishermen present at Crowley Lake on opening day of the trout season. For the whole year, well over 100,000 people use Crowley Lake for fishing, boating, and water skiing.

Water Rights Litigation

As I mentioned previously, the City's water supply from the Mono Basin is protected by the highest form of water rights obtainable under the State System of water law. However, two major lawsuits have been filed seeking to restrict or eliminate the City's use of this water supply long-held and perfected by the City.

One lawsuit was filed against the City on May 21, 1979 by the National Audubon Society, Friends of the Earth, Mono Lake Committee, and four individuals. It alleged that a navigation "public trust doctrine" exists that protects the resources of the State from degradation, such as that which is alleged to occur at Mono Lake, and that this doctrine is paramount to vested water rights.

The entire case was removed to Federal court and the key portion of it has been referred back to State court because of the significance of the case to State water rights law. The

Federal issues in this case were retained for trial in Federal court. On November 9, 1981, a Superior Court Judge issued a written order, ruling that the "public trust doctrine" is a part of the State's water rights system and that any challenge of the City's water rights must first be brought before the State Water Resources Control Board. This decision was appealed to the State Supreme Court, which decided to hear the case, and oral argument was held May 3, 1982. On February 17, 1983, a decision was issued by the State Supreme Court that means the City of Los Angeles has to prove to a court or the State Water Resources Control Board that the benefits received by the continued use of water from the Mono Basin will outweigh whatever adverse effects are determined to occur to the public trust, i.e., environmental, protected values in the Mono Basin. The Federal District Court in Sacramento is presently soliciting information to determine how and where the balancing process should be conducted.

The other lawsuit was filed in April 1980 by the Sierra Club and the Natural Resources Defense Council against the Secretary of the Interior. It seeks to compel the Secretary to exercise his authority to restrict the City's use of Mono Basin water because of alleged adverse impacts on Federal interests in the area. It alleges the existence of Federal riparian and reserved rights, and alleges that these are senior to the City's rights under State law. The lawsuit is based on the 1976 Federal Land Policy and Management Act and provisions in the 1931 Congressional Act, which states that the water supply withdrawal shall not interfere with recreation and grazing. The case is pending before a Federal District Court Judge in Sacramento. United States' motions for dismissal and partial summary judgment have been taken under submission.

The City's primary concern with the proposal to create a Mono Lake National Monument, as embodied in H.R. 1341 and H.R. 392, is the influence it would have on the outcome of pending litigation. This stems from a combination of the monument designation itself, specific provisions of the proposed act, and from provisions that have not been included in the proposed act. The influence would be more direct in the water supply-environmental balancing process mandated by the California Supreme Court, but there could be implications in the Sierra Club litigation. This issue is addressed in more detail in the testimony of Mr. Kenneth W. Downey, Assistant City Attorney, for the Los Angeles Department of Water and Power.

State Legislation

Several State legislative actions have taken place pertaining to the Mono Basin environment and the City's use of water from the Mono Basin. Three bills seeking to reduce the City's use of this water were introduced in the State Legislature in 1980, but were defeated because of the adverse effect the bills would have had on water supply throughout the State.

A bill to create a State Reserve to protect the tufa towers on the shores of Mono Lake by controlling public use of the area was passed by the State Legislature in September 1981. The Mono Lake Tufa State Reserve does not conflict with Los Angeles' continued use of water from Mono Basin. The boundary of the reserve is similar, with the exception of inclusion of the Mono Craters, to the boundary of the proposed Mono Lake National Monument in H.R. 1341.

Another bill, AB 2884, was introduced on March 1, 1982, to fund a three to four-year study of the effects of water diversions on the Mono Lake ecosystem. The bill would have provided $500,000 from the California Environmental License Plate Fund to support the study. This research study measure would have supplemented the ongoing studies being sponsored and conducted by the City and various universities. Due to the lack of funding, the bill failed in the Assembly Ways and Means Committee. A similar bill, AB 1614, was introduced on March 3, 1983. It was approved by the Assembly Water, Parks, and Wildlife Committee and has been moved on to the Ways and Means Committee.

Regional Water Supply Implications

Overview

To the extent creation of a national monument influences the outcome of current litigation over the allocation of Mono Basin water, it will change water supply conditions in California.

Southern Californians depend on water imported from three distant sources to make up for inadequate amounts of rainfall and groundwater. These sources are 1) water from the Colorado River which is conveyed through the 242-mile long Colorado River Aqueduct; 2) water from the Feather River in Northern California which is transported through the California State Water Project and conveyed by the 444-mile long California Aqueduct; and 3) water from the Owens Valley and the Mono Basin which is conveyed through the 338-mile long Los Angeles Aqueduct System. The water imported through the Colorado River Aqueduct and the California Aqueduct is distributed to Southern California localities by the Metropolitan Water District of Southern California (MWD). The water imported through the Los Angeles Aqueducts, owned and operated by the City, is distributed to consumers within the City.

Los Angeles Water Supply

The Los Angeles Aqueduct System provides 78 percent of the City's water supply. Local groundwater basins provide 17 percent, and the remaining 5 percent is purchased from MWD. The City has a legal entitlement to purchase about one-third of MWD's supplies. However, because the City's usage has been less than its entitlement, its share has been supplied to and relied upon by other cities in Southern California.

The City's water supply from the Mono Basin averages 100,000 acre-feet per year, or one-sixth of its total supply.

This is enough water to meet the needs of about one-half million people, or a city approximately the size of San Francisco. Suggestions have been made that the Mono Basin water is unnecessary, and by employing a more aggressive water conservation program the City could get by without this portion of its supply.

The City already has a very active and comprehensive long-range conservation program which includes metering, leak detection, school educational programs, commercial and industrial conservation awards programs, and a residential landscape irrigation program. This also includes a conservation ordinance which is activated during droughts to mandate appropriate levels of rationing depending on the water supply conditions. This was in effect during the drought in 1977. In addition, Los Angeles completed distribution of a water conservation kit in 1981 to each of the more than one million households within the City at a cost of nearly $1 million.

Even with all of these measures, the consumption in the City has returned to a level nearly the same as that experienced prior to the drought of 1976-77. This increase in consumption has occurred not only in the City, but statewide use has also returned to, and in some cases exceeded, the pre-drought levels as indicated in the following table. The only possibility of obtaining and maintaining a 17 percent reduction in water consumption is by permanent mandatory rationing.

WATER USE IN CALIFORNIA CITIES
GALLONS PER PERSON PER DAY*

	CALENDAR YEARS							
CITY	1975	1976	1977	1978	1979	1980	1981	1982
EBMUD (Oakland, etc.)	178	190	115	138	146	164	163	175
FRESNO	241	240	194	215	244	230	226	208
HUMBOLDT BAY (Eureka, etc.)	134	136	118	135	146	148	146	141
LOS ANGELES	170	174	149	147	159	163	170	159
MARIN MUNICIPAL	143	109	49	98	113	126	130	132
MODESTO	345	330	293	304	332	327	358	313
RIVERSIDE	222	258	197	204	224	222	233	216
SACRAMENTO	279	306	258	276	289	309	310	285
SAN DIEGO	178	193	180	173	175	185	192	192
SAN JOSE	136	145	114	125	133	134	159	152
SANTA BARBARA	170	165	145	141	148	155	164	160

* INFORMATION SUPPLIED BY LISTED AGENCIES BASED ON TOTAL WATER SALES AND TOTAL POPULATION SERVED.

The replacement cost of the Mono Basin water supply is estimated at $31 million annually. The cost of buying replacement water from either of the other aqueducts serving Southern California would be $17 million per year at prices that take effect this year. Replacing the lost hydroelectric energy generated by this water would cost an additional $14 million per year. The 25-year cost of replacing the water and energy would exceed $1 billion.

Southern California

Regional water supply planning for Southern California is based on the City's continued supply from Mono Basin. If that supply is cut back, all those in Southern California who depend on imported water would be forced to curtail their use if a replacement supply from another source were not available. The supply of water available to Southern California from the Colorado River will be substantially reduced beginning in 1985 when the Central Arizona Project is completed. The amount of cutback could be as much as 60 percent of this supply during dry periods, or the equivalent of roughly one-fifth of the total water used by the 13 million residents of Southern California. It was the Colorado River supply that saved Southern California from widespread water shortages during the 1976-77 drought. Clearly, Colorado River water could not be used to replace the City's Mono Basin supply.

The only feasible replacement supply for the foreseeable future is Feather River water collected and transported by the State Water Project. This project is only a little more than 50 percent complete. After 1985, when losses of water to Arizona will result in more demands on the State Water Project, it will not be able to supply all the water needed until additional facilities are constructed. The next such facility scheduled for construction was the Peripheral Canal. However, the future of the State Water Project is uncertain because of the June 1982 defeat of Proposition 9, which would have authorized its construction. At least ten years will be necessary to obtain approval for, to design, and to construct an equivalent facility.

Water supply shortages in Southern California are likely to be felt after 1983 during dry years, and after 1990 and possibly normal years even without a loss of Mono Basin water.

If the City were to lose its Mono Basin supply due to legislative or litigative actions, Los Angeles' consumers would be burdened with higher costs for replacement water and energy supplies, even if they are available and could be subject to stringent water rationing.

Statewide Implications

Moreover, water supply problems of the State Water Project would be compounded by a new unanticipated demand for more water. Shortages would be felt first by the farmers in the San Joaquin Valley whose source is the State Water Project. Irrigation supplies have a lower priority than municipal use under State Water Project contracts. Depending on the magnitude and duration of the shortage, urban users could also be affected.

Development of a new water supply to replace Los Angeles' Mono Basin supply would be expensive and very likely controversial. As an indication, a project with a water supply yield of about one-third the yield of the Federal Auburn Dam in Northern California would be necessary. Auburn Dam has an estimated cost of $1.4 billion.

Mono Basin Environment

Overview

The Mono Lake Basin has been a closed hydrologic system for thousands of years. Water runs into the lake from streams, surface runoff, springs, and rainfall. In a state of nature, equilibrium of the lake is maintained when average annual evaporation from the surface equals average annual inflow. As evaporation takes water from the lake, it leaves behind salts. As a consequence, even in a state of nature, Mono Lake was a saline lake in which fish could not live.

The only living things in the lake were and are brine shrimp and various forms of algae upon which the brine shrimp feed. Brine flies, which live on the shores of the lake, and brine shrimp provide large amounts of food for both the migratory birds that visit Mono Lake and for nesting birds, chiefly the California gull. Fresh water for both the nesting and migratory birds is available from the streams and springs in the area.

Today, Mono Lake has an area of approximately 60 square miles. It is about 2-1/2 times saltier than the ocean. As a result of the City's diversion of an annual average of about 100,000 acre-feet of water, the lake surface elevation has fluctuated but gradually declined 13 feet since increased use of the water began in 1970. The rate of decline will gradually decrease during the next 80 to 100 years until the lake stabilizes about 46 feet lower than its present elevation of 6376, at which time it will have a surface area of about 38 square miles. The salt content, which is about 9 percent, will gradually increase to about 21 percent. In comparison, the Great Salt Lake in Utah is characterized as having salinities ranging from 13 to 26 percent.

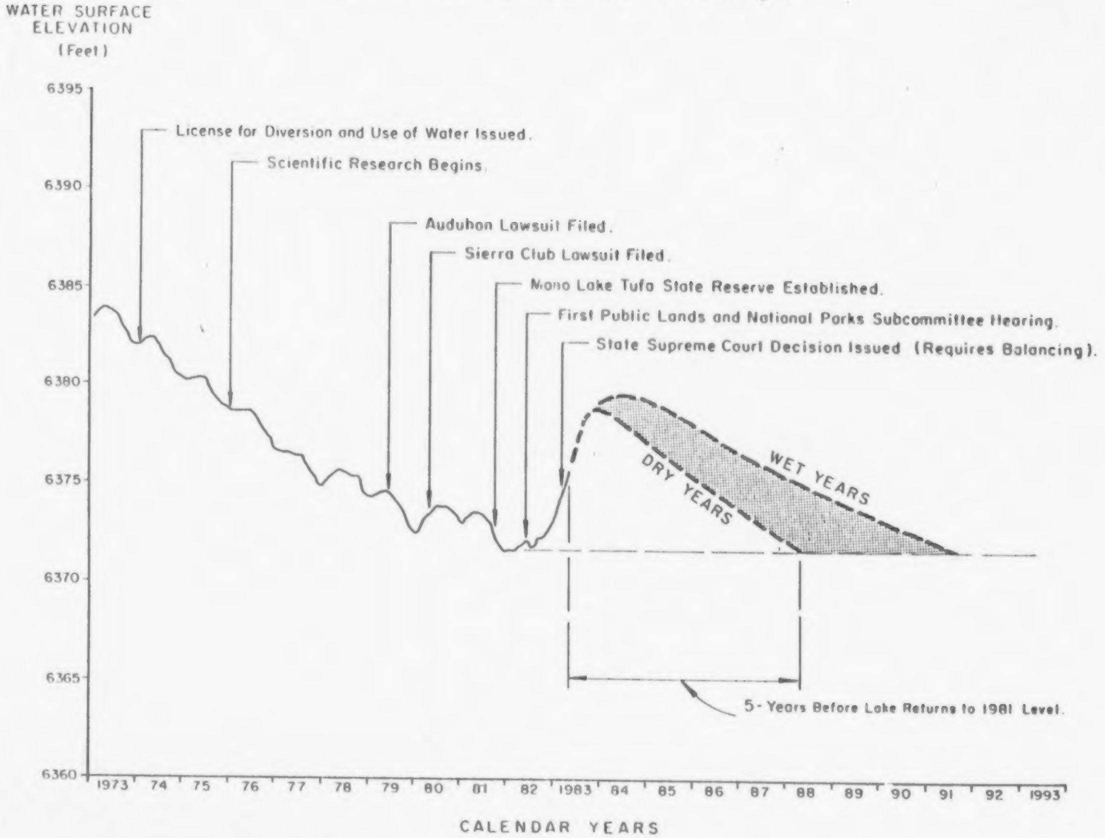
Current and Near Future Lake Levels

Runoff from the Eastern Sierra watershed during the 1981-82 water year, which extends from October 1 to September 30, was the third largest on record. The above normal winter snowpack and unusually high summer rainfall during 1982 allowed Los Angeles to meet all of its needs and still release almost 100,000 acre-feet of water into Mono Lake. Due to the release of this excess water, the January 1983 lake level exceeded the previous year's elevation by 2 feet and was the highest January elevation since 1979.

Runoff during 1983 is projected to be the largest on record. No water has been exported from Mono Basin since September 27, 1982, and none will be exported prior to August 1983. More than 70,000 acre-feet of water has been released into Mono Lake to date this year, and more than 100,000 acre-feet will be released during the remainder of 1983. Due to these releases, the lake level is now above its 1978 level. As a result, the lake level in January 1984 is expected to be several feet higher than in January 1983.

The attached graph entitled "Mono Lake Water Levels" shows the lake levels over the last ten years and projections for the near future. The lake level was falling at an average rate of about 1.5 feet per year from early 1973 to early 1980. Since 1978, when most of the scientific research has been done, the lake level has fluctuated up and down less than 5 feet. It is now more than 4 feet above its low point in December 1981.

MONO LAKE WATER LEVELS



It is highly probable that the level of Mono Lake will return to its 1975-76 levels of 7 to 8 years ago and remain above the December 1981 level for at least the next five years. The future water levels for a cycle of five or more consecutive dry years (85 percent of normal runoff); and a cycle of five or more consecutive wet years (115 percent of normal runoff) has been projected. For the five consecutive dry years, a situation which has only occurred twice in the last 50 years, the lake level would remain above the December 1981 level until mid-1988. As discussed in the following sections, and as pointed out in the testimony of Dr. Joseph R. Jehl, Jr., the Mono Lake ecosystem continued to be very productive during 1982 when the water level was 4 feet lower than at present. Brine shrimp were again abundant. This bears directly on the major concern expressed over Mono Lake's ecosystem before this Subcommittee on May 18, 1982. There is ample time for the balancing of public trust values at Mono Lake with the need for water in Los Angeles, a process which has already begun pursuant to the Supreme Court's recent decision.

Environmental Research

I would now like to comment briefly on the City's environmental research activities and conditions at the lake. Many of the scientists performing studies on the Mono Lake ecosystem began their studies during 1979. How the declining lake level will impact the Mono Lake ecosystem is the subject of comprehensive environmental studies sponsored by the City.

Since 1980, an expanded Mono Lake monitoring and research program has developed new information about the lake's California gull and migratory bird populations, chemistry and life forms, springs, and Mono Basin air quality.

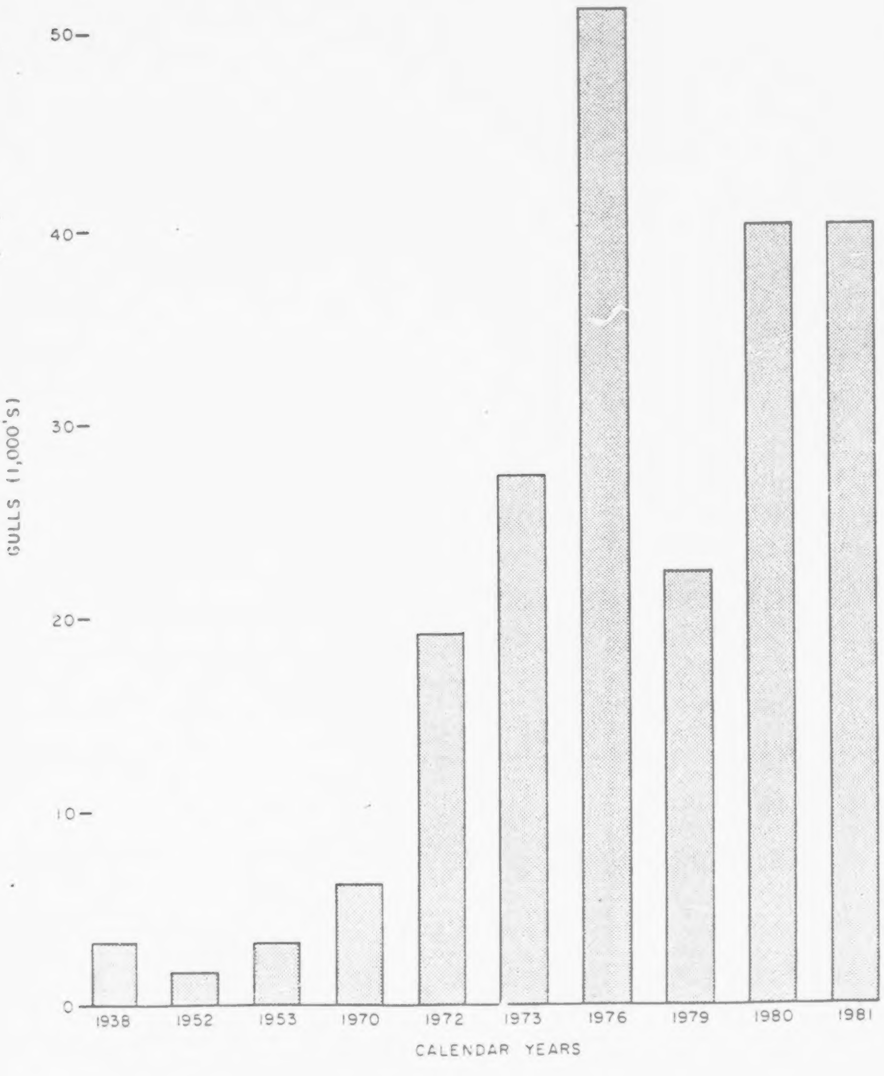
For the future, the City plans to support further research activities in addition to the $500,000 already spent on research studies to gain conclusive answers to questions about how the Mono Lake environment will change with continuing diversions. This research is being coordinated with other researchers. For example, a research symposium on Mono Lake was held May 6 and May 7, 1982, sponsored by the University of California at Santa Barbara, the Santa Barbara Museum of Natural History, the United States Fish and Wildlife Service, and the City of Los Angeles. The purpose of the symposium was to provide a forum for scientists studying the lake's ecology to share their findings and coordinate future work. In addition, an Ad Hoc meeting on brine shrimp and primary-productivity studies was held in November 1982 with City, University of California at Santa Barbara, and independent researchers.

California Gulls

Substantial numbers of California gulls continue to nest (See Exhibit entitled "Mono Lake - Estimated Number of Breeding Adult Gulls") and raise their young on the numerous islets that have formed at Mono Lake. More than 70 percent of the 5,000 California gull chicks counted in the annual joint gull census

MONO LAKE

Estimated Number of Breeding Adult California Gulls



survived to maturity in 1982. This is in contrast to 1981 when abnormally hot weather contributed to the mortality and about 10 percent of the 11,000 gull chicks survived. The lower chick count for 1982 could have been due in large part to the gulls' abandonment of Twain and Java Islands early in the nesting season. The two islands were connected to the mainland earlier in the year as the water level declined. Census findings indicate the gulls that would have nested on Twain and Java may have become non-breeding predators on other nearly islands, disrupting the nesting of the other gulls. Because of the release of about 100,000 acre-feet of water to Mono Lake in 1982, Twain and Java are again islands and will be available for gull nesting during the 1983 and 5 or more subsequent seasons.

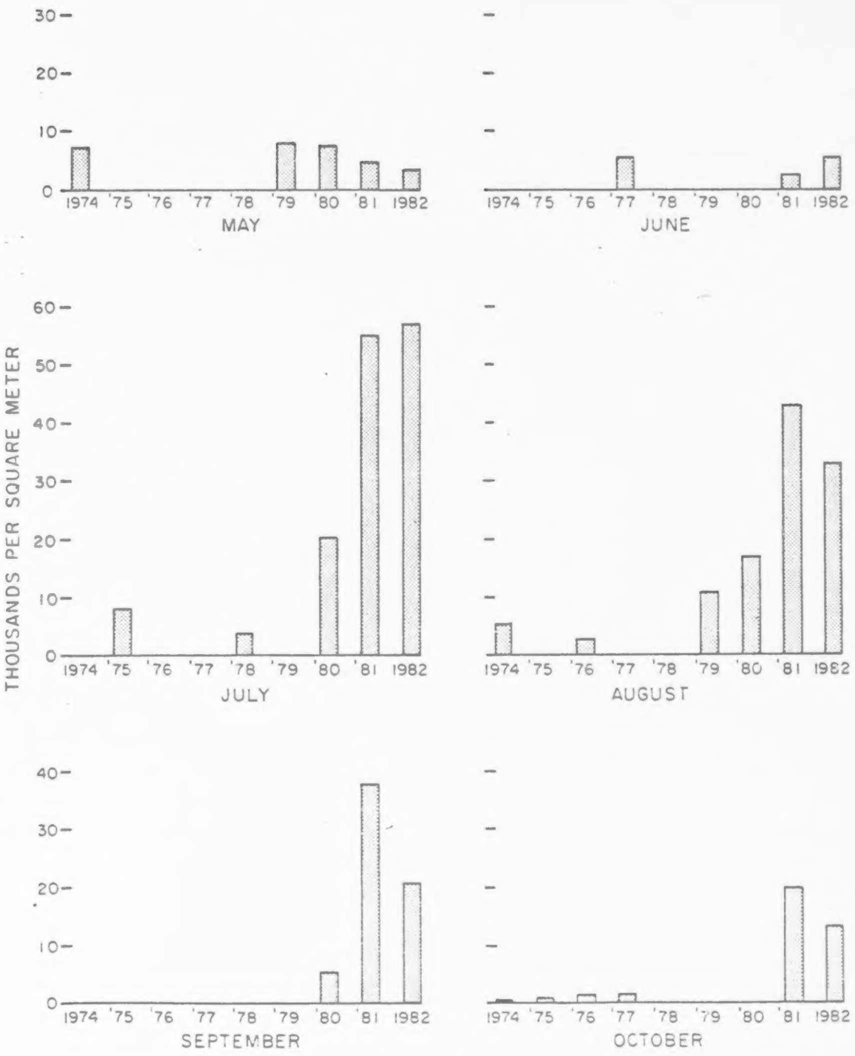
Dr. Joseph R. Jehl, Jr., of HUBBS-Sea World Research Institute in San Diego and Dr. Sheila Mahoney of Florida-Atlantic University in Boca Raton, Florida, studied the salinity tolerance of California gulls at Mono Lake during the summer of 1982. They found that gulls adapt behaviorally to the saline lake water by drinking large amounts of fresh water through the entire day and by shaking excess lake water from their prey, mainly brine shrimp. Research will continue in 1983 on the effect of shade on gull chicks to determine if temperature affects survivability.

~~In the appendix to my statement is a statement made by Mr. David Babb before this Subcommittee on May 18, 1982. Mr. Babb's statement contains additional information on the California gulls at Mono Lake.~~

Brine Shrimp

Research conducted by the City at experimental ponds adjacent to Mono Lake under accelerated rate and controlled conditions has shown that the adult brine shrimp can thrive in a salinity of at least 15 percent salt. This salinity content will not be reached in Mono Lake for more than 30 years. To date, there is no conclusive evidence that the gradual increase in salinity to the ultimate estimated salinity of 21 percent will prevent the shrimp from adapting. In 1982, DWP staff conducting twice monthly lake surveys reported that brine shrimp populations returned to the record high numbers counted in the summer of 1981, as shown in the exhibit following this section entitled "Mono Lake Brine Shrimp Population." During the same year, Dr. Frank Conte of Dircon Consultants in Oregon conducted preliminary studies of Mono Lake's shallow shoreline tufa regions to assess their importance to the shrimp population. In addition, City staff, with the assistance of Dr. Conte, initiated a new series of brine shrimp cyst hatching experiments in the laboratory directed toward understanding the effects of temperature, salinity, and dissolved oxygen on hatching.

~~In the appendix to my statement is a statement made by Ms. Melinda Thun before this Subcommittee on May 18, 1982. Ms. Thun's statement contains additional information on the brine shrimp at Mono Lake.~~



MONO LAKE BRINE SHRIMP POPULATION

Average of Sampling Sites 2, 4, and 8

Algae

Algae in Mono Lake serves as the food source for the brine shrimp. Research on the ability of the algae to cope with increases in the lake's salinity has been conducted by Dr. David Chapman of the University of California at Los Angeles. The results of Dr. Chapman's studies show that Mono Lake algae are able to thrive in salinities 50 percent greater than what is now experienced at the lake. In the event of a long-term decline in either of the two main algae species, there is a very good chance that another type of algae would become dominant. This algae species, called Dunaliella, is known to be a brine shrimp food source and is found in high salinity lakes. It is already present in low numbers at Mono Lake.

~~In the appendix to my statement is a statement made by Dr. Chapman before this Subcommittee on May 18, 1982. Dr. Chapman's statement contains additional information on the algae in Mono Lake.~~

Migratory Birds

Latest research performed in summer 1982 by Dr. Jehl has determined that the migratory birds have visited the lake in their usual large numbers and have found abundant supplies of brine shrimp and brine flies on which to feed. Research in 1983 will focus on extending population and mortality data for these birds and also on determining how the Mono Basin's most abundant migrant, the Eared Grebe, copes with the lake's salt content yet never visibly drinks fresh water.

Dr. Jehl is presenting direct testimony at this hearing. ~~In addition, in the appendix to my statement is a statement submitted to this Subcommittee for the May 18, 1982 hearing by Dr. Joseph Jehl, Jr. Dr. Jehl's statements contain additional information on the migratory birds at Mono Lake~~.

Air Quality

Studies in the Mono Basin indicate that the principally inhabited area on the west side of the lake has excellent air quality conditions with no violations of any Federal air quality standards. During three years of an ongoing study by the City, there were less than 5 percent of the days when the amount of dust either equaled or exceeded that shown in the attached photos. Ninety percent of the daily photographs show conditions were clear. This information is shown in the exhibit entitled "Summary of Mono Basin Air Quality Photos."

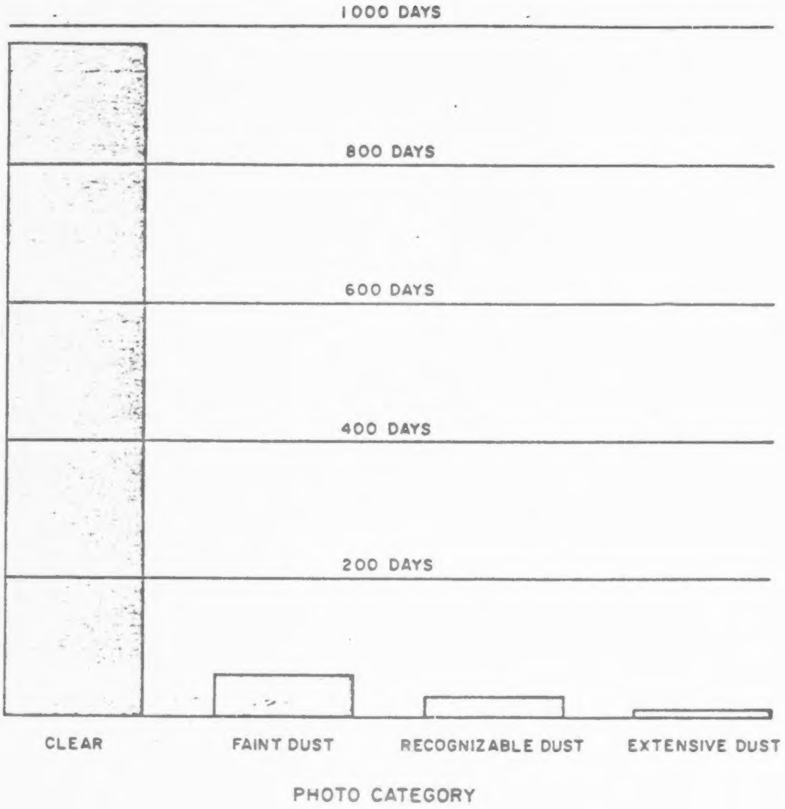
~~In the appendix to my statement is a statement made by Dr. Robert Brattain before this Subcommittee on May 18, 1982~~. ~~Dr. Brattain's statement contains additional information on air quality at Mono Lake~~.

As a summary of the environmental conditions at Mono Lake, the increases in the numbers of gulls nesting at Mono Lake and the increases in the numbers of brine shrimp give some indication that the ecosystem as a whole is more productive now than in the past.

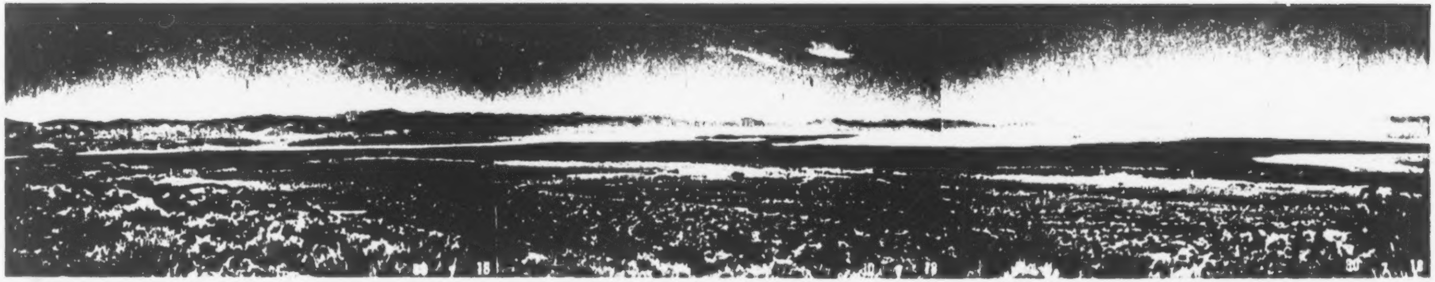
SUMMARY

MONO BASIN AIR QUALITY PHOTOS

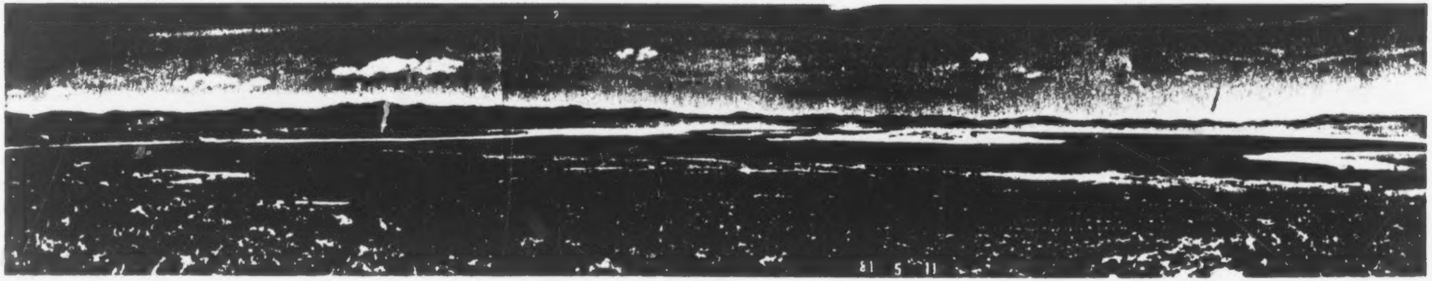
FEBRUARY 22, 1980 - FEBRUARY 21, 1983



EXAMPLES OF MONO BASIN AIR QUALITY PHOTOS
CATEGORY - RECOGNIZABLE



JULY 18, 1980



MAY 11, 1981

Conclusion

Mr. Chairman, seldom are issues in court or before a quasi judicial body ever clear and distinct. They are complex and intertwined. Key issues can turn on shades and nuances of meaning. The judgments that must be made are difficult because someone or something may be hurt in the process. Since you are an attorney, I am sure you can appreciate that. Action by congress to create a national monument would be clear and distinct. However, the effect of that action on our water and energy supplies, because of the existing provisions in H.R. 1341, falls more into the shading and subtle interpretation. The potential for influence is no less; only the form is different. I respectfully urge that this committee not approve H.R. 1341, H.R. 392, or H.R. 391, as written, until our water use from Mono Basin has been reevaluated in light of the public trust values. I am confident the lake will remain productive, at least until that occurs.

LOS ANGELES' MONO BASIN WATER SUPPLY

BRIEFING DOCUMENT

MAY 1984

TABLE OF CONTENTS/ISSUES SUMMARY

I BACKGROUND 1

Los Angeles Water Supply - Los Angeles has relied on the Mono Basin water supply for 40 years, and it is one-sixth of the City's total supply.

Facilities Map - Locates water facilities and some of the hydroelectric power plants.

Land Ownership Map - Shows Federal lands withdrawn from entry in 1931 to protect Los Angeles' water supply.

II. WATER RIGHTS 2

The California Supreme Court ruled that the benefits received by Los Angeles from Mono Basin water and water-generated power must be balanced against whatever adverse affects are determined to occur at Mono Lake. This process will probably occur in late 1984 or early 1985.

III. STATE LEGISLATION 3

The California State Legislature has refused to cut back Los Angeles' use of Mono Basin water. Instead, a State reserve, not in conflict with Los Angeles' use of Mono Basin water, was created around the lake to protect the tufa towers.

IV. PENDING FEDERAL LEGISLATION 4

HR 1341, which would create a Mono Lake National Forest Scenic Area, was passed by the House of Representatives on July 18, 1983 and is pending in the Senate.

V. REGIONAL IMPLICATIONS OF A LOSS OF THE MONO BASIN WATER SUPPLY

Los Angeles - Could lose 17 percent of its water supply. Water conservation could not offset that amount. 6

Southern California - Problems from the loss of Metropolitan Water District's Colorado River water to Arizona in 1985 would be greater if Los Angeles has to replace Mono water. 7

V. REGIONAL WATER SUPPLY IMPLICATIONS OF A LOSS OF MONO BASIN WATER SUPPLY (CONT'D)

Statewide - The State Water Project cannot meet projected water needs. An unanticipated additional demand on the project to replace the Mono Basin supply would increase that deficiency. Irrigation supplies in the San Joaquin Valley could be reduced. 8

VI. MONO BASIN ENVIRONMENT

Overview - The lake is changing slowly and many studies are under way. 10
Lake Level - The present level is about 8 feet higher than in 1982 and has exceeded the 1975 level. 10
California Gulls - Large numbers continue to nest. 1983 gull mortality was extremely low. 11
Brine Shrimp - Research has shown that the shrimp can thrive in saltier water. There are tremendously large numbers in the lake. Summer 1983 counts were about the same as those in the summers of 1981 and 1982. 12
Migratory Birds - Large numbers visit Mono Lake and do extremely well. Mortality is negligible. 12
Air Quality - Air quality is excellent about 90 percent of the time. 13

TABLE OF EXHIBITS

Mono Basin Extension of Los Angeles Aqueduct

Map Showing Federal Withdrawn Lands -- City of Los Angeles Lands

Map Showing Boundary of State Tufa Reserve and Proposed National Forest Scenic Area

Recent Changes in Mono Lake Water Surface Elevation

Projection of Future Mono Lake Water Levels

Mono Lake - Estimated Number of Breeding Adult California Gulls

Mono Lake Brine Shrimp Population

Summary of Mono Basin Air Quality Photos

Examples of Mono Basin Air Quality Photos, Category - Recognizable

I. BACKGROUND

Mono Basin water provides one-sixth of the City of Los Angeles' total supply, enough for 500,000 people. Two Congressional bills which threatened Los Angeles' long-established use of water from this source, HR 1341 and S 1331, were introduced in the House of Representatives and the Senate, respectively, during the 98th Congress (1983). HR 1341 was subsequently amended to create a Mono Basin National Forest Scenic Area. This bill, which was not opposed by the City, passed the House on July 18, 1983. However, S 1331, a bill identical to the original version of HR 1341, is still strongly opposed by the City. A discussion of these bills is included in Section IV.

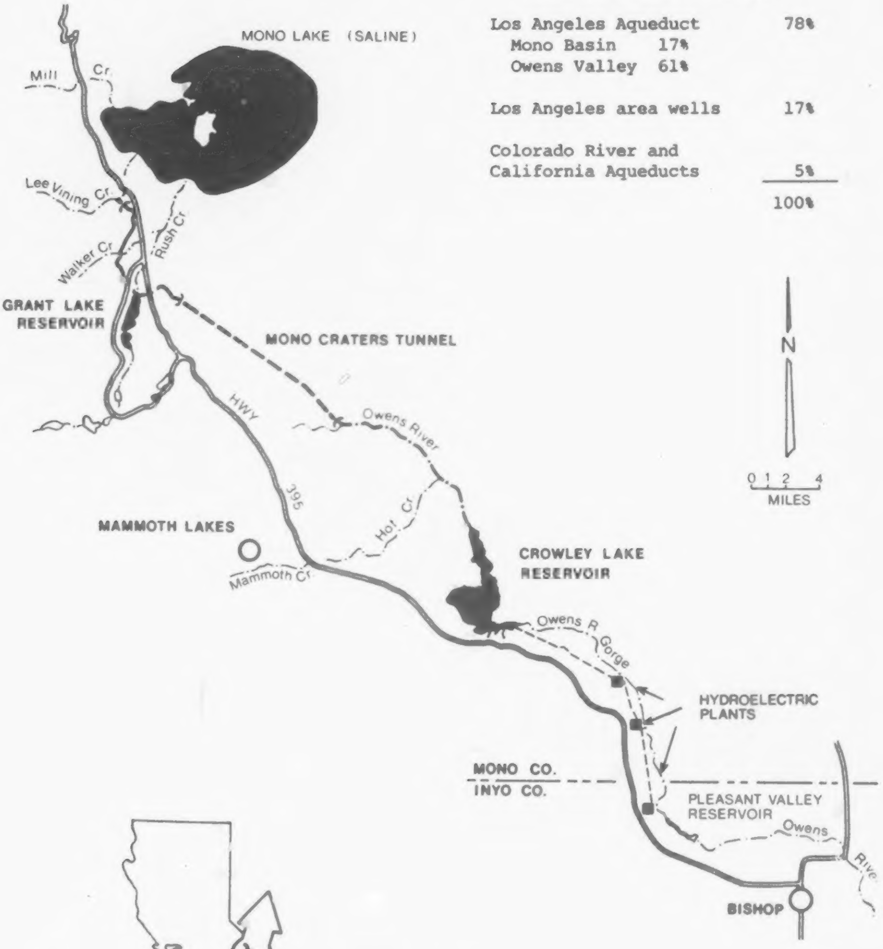
A schematic of the City of Los Angeles' Mono Basin water supply is shown on the following page. The City of Los Angeles ("the City") has operated its water collection and aqueduct facilities in the Mono Basin, located 340 miles north of Los Angeles, since 1941 under water rights established in accordance with California State law. This water originates from diversion of four freshwater streams which are tributary to saline Mono Lake. Today, the annual diversion of 100,000 acre-feet of water provides about one-sixth of the City's water supply. As the water flows by gravity along the 338-mile Los Angeles Aqueduct System, it also generates more than 300 million kilowatt-hours of clean hydroelectric energy in several power plants, equivalent to burning 500,000 barrels of oil annually at a conventional fossil-fueled power plant. In the Eastern Sierra, Mono Basin water is a valuable recreational resource enjoyed by visitors to Grant Lake and Crowley Lake reservoirs, and by fishermen along the Owens River.

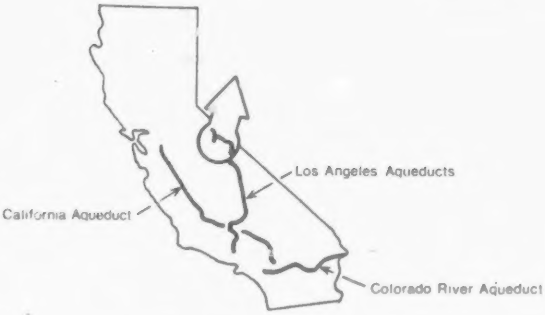
The City has invested more than $100 million in Mono Basin water and power facilities with no financial assistance from the State or Federal Government. The commitment of these funds was based on specific State and Federal actions. In 1923 and again in 1934, the City filed applications with the State for water rights authorizing these diversions for municipal use and hydroelectric power generation. The State approved the application and issued permits in 1940, and water delivery and use by the City began in 1941. Today, the Mono Basin project operates in accordance with water rights licenses issued in 1974 by the California State Water Resources Control Board. Moreover, during this period Congress passed two acts in support of the City's water supply. By a Congressional Act in 1931 (P.L. No. 864; 46 Stat. 1892), the City was granted rights to acquire Federal lands to protect and operate its water and power facilities.

MONO BASIN EXTENSION OF LOS ANGELES AQUEDUCT

LOS ANGELES WATER SUPPLY

Los Angeles Aqueduct		78%
Mono Basin	17%	
Owens Valley	61%	
Los Angeles area wells		17%
Colorado River and California Aqueducts		5%
		100%





KEY MAP

II. WATER RIGHTS

The City's water supply from the Mono Basin is protected by the highest form of water rights obtainable under the State system of water law. Against the City's long-held and perfected rights, two major lawsuits have been filed seeking to restrict or eliminate the City's use of this water supply.

The National Audubon Society, Friends of the Earth, Mono Lake Committee, and four individuals filed the first lawsuit against the City in May 1979. The lawsuit claims that the California "public trust doctrine", which protects the resources of the State from degradation, such as that which is alleged to occur at Mono Lake, is paramount to vested water rights.

After almost four years of litigation, a decision was issued by the California Supreme Court on February 17, 1983 that means the City has to prove in a future proceeding, in a forum still to be determined, that the benefits received by the continued use of water from the Mono Basin will outweigh whatever adverse effects are determined to occur to the Mono Basin environment. Federal District Court Judge Lawrence Karlton is currently deciding where this "balancing" procedure will be held.

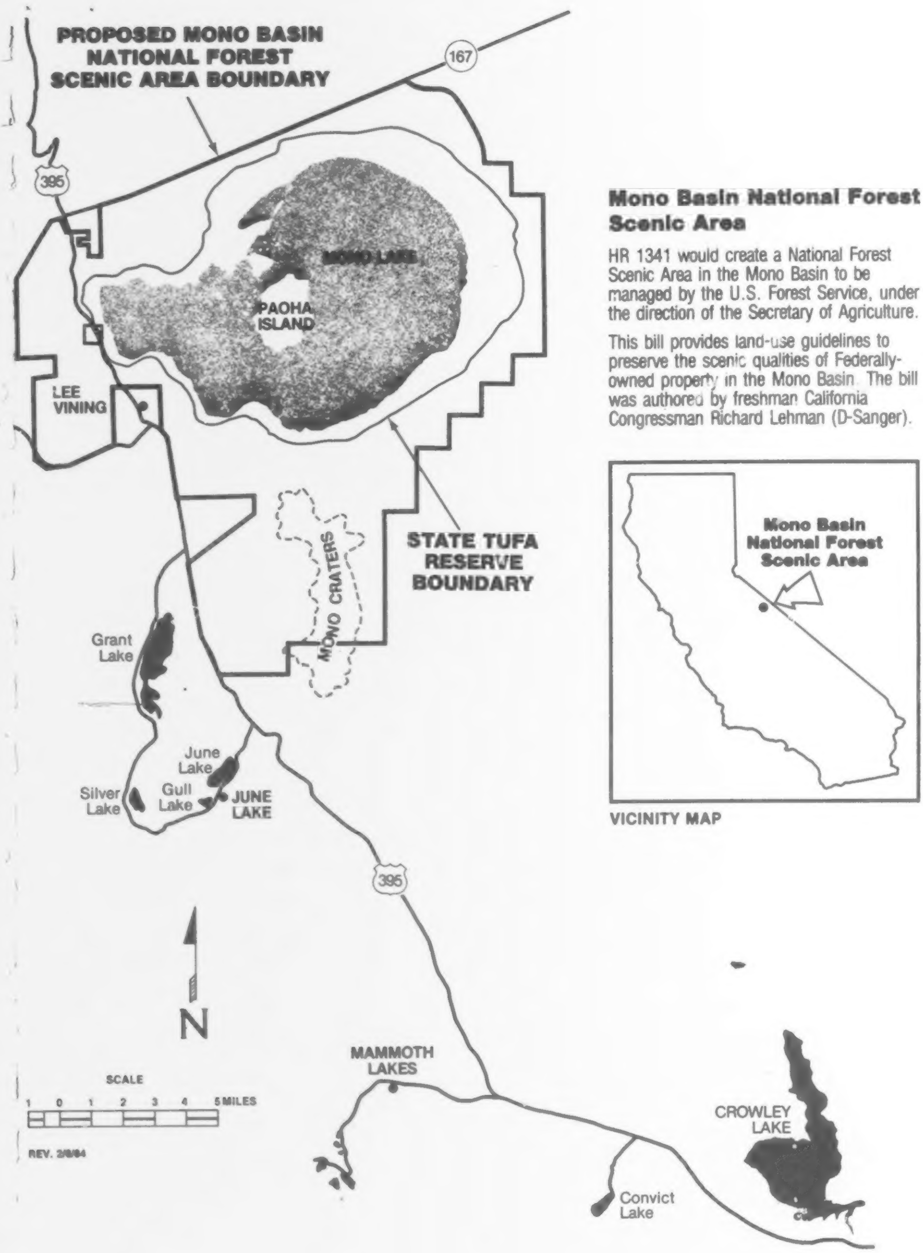
The Sierra Club and the Natural Resources Defense Council filed the other lawsuit in April 1980 against the Secretary of the Interior. This lawsuit sought to compel the Secretary to exercise his authority to restrict the City's use of Mono Basin water because of alleged adverse impacts to Federal interests in the area. It alleged the existence of Federal riparian and reserved rights, and alleges that these are senior to the City's rights under State law. On January 19, 1984, this lawsuit was dismissed by a Judge Karlton who ruled that the suit was premature because the Audubon lawsuit will give the federal government the opportunity to assert its rights on how the water will be used in the Mono Basin.'

III. STATE LEGISLATION

Several State legislative actions have taken place to address aspects of Mono Lake and the City's use of water from the Mono Basin. Three bills seeking to reduce the City's use of this water were introduced in the State Legislature in 1980, but were defeated because of the adverse affect the bills would have had on water supply in the State.

A bill to create a State reserve to protect the tufa towers at Mono Lake by controlling public use of the area was passed by the State Legislature in September 1981. The Mono Lake Tufa State Reserve Bill does not conflict with Los Angeles' continued use of water from Mono Basin. The boundary of the reserve is similar, with the exception of inclusion of the Mono Craters, to the boundary of the proposed Mono Lake National Forest Scenic Area in HR 1341, as shown on the following page.

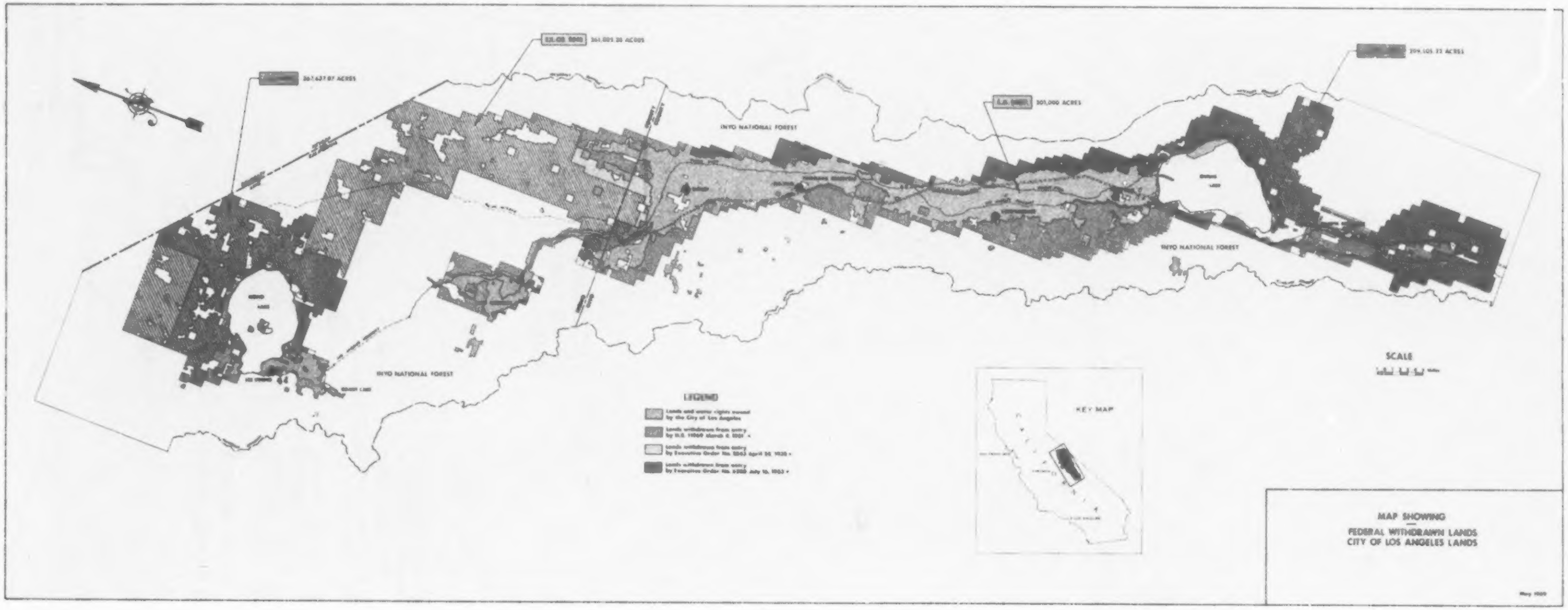
Another bill, AB 1614, would provide $250,000 from the California Environmental License Plate Fund to sponsor a multi-year study of the effects of water diversions on the Mono Basin ecosystem. This bill passed the Assembly on August 31, 1983 and was approved on February 14, 1984 by the Senate Natural Resources and Wildlife Committee. In early March the bill was waiting for a hearing before the Senate Finance Committee. The City supports this legislation.



Mono Basin National Forest Scenic Area

HR 1341 would create a National Forest Scenic Area in the Mono Basin to be managed by the U.S. Forest Service, under the direction of the Secretary of Agriculture.

This bill provides land-use guidelines to preserve the scenic qualities of Federally-owned property in the Mono Basin. The bill was authored by freshman California Congressman Richard Lehman (D-Sanger).


261,627.07 ACRES
261,025.20 ACRES
301,000 ACRES
299,105.73 ACRES
INYO NATIONAL FOREST
INYO NATIONAL FOREST
INYO NATIONAL FOREST
LEGEND
Lands and water rights owned by the City of Los Angeles
Lands withdrawn from entry
Lands withdrawn from entry
Lands withdrawn from entry
KEY MAP
SCALE
MAP SHOWING
FEDERAL WITHDRAWN LANDS
CITY OF LOS ANGELES LANDS

IV. PENDING FEDERAL LEGISLATION

H.R. 1341 (D-Lehman)

This bill would provide land-use guidelines to preserve the scenic qualities of Federally-owned property in the Mono Basin by creating a Mono Basin National Forest Scenic Area. The Scenic Area would be managed by the U.S. Forest Service, under the direction of the Secretary of Agriculture.

The Secretary would be directed to manage the Scenic Area in a manner consistent with the protection of the water rights of the State of California, which would not affect or impair the operation of any water diversion activity taking place in the Mono Basin that was granted under the laws of the State of California.

HR 1341 would prohibit timber harvesting, geothermal drilling, most mining, and the sale of Federal lands around Mono Lake. It would also provide for recreational and interpretive facilities including a visitors center, trails and campgrounds for the use of the public. In addition, a comprehensive management plan would be developed for the Scenic Area which is to be consistent with the protection of water rights granted under State law.

The bill repeals a 1936 Act of Congress allowing Los Angeles to purchase Mono Basin land and granting the City rights-of-way for its water operations. Instead, HR 1341 would grant permanent rights-of-way easements to the City for the operation of the Los Angeles Aqueduct.

An Advisory Board composed of representatives from Mono County, the State of California, U.S. Forest Service and City of Los Angeles would make recommendations to the Secretary of Agriculture on the policies, programs, and activities taking place at the Scenic Area.

HR 1341 was passed by the House of Representatives on July 18, 1983. Los Angeles does not oppose this bill.

S. 1331 (D-Cranston)

This bill, which is identical to HR 1341 as initially introduced, would establish a National Monument in the Mono Basin to protect ecological resources, require the preparation of a management plan to preserve the natural and cultural resources of the monument, and direct that studies be undertaken of the Mono Lake environment and the effect of the City's water transportation system, supply, conservation, and alternate water sources.

When the results of these studies are known, the Secretary is directed to report his findings and recommendations to the Congress. The bill would also repeal outright the Act of June 23, 1936 (49 Stat. 1892) that permits the City to purchase all Federal lands in Mono County as needed for protection of its aqueduct and water-gathering activities.

It is clear that the major purpose of the proposed monument is to protect the geologic, ecologic, and cultural resources of the lake and its environs. The City's use of water from the Mono Basin is not recognized as either a primary or coequal management purpose for the monument.

Proposals to create a Mono Lake National Monument take on new significance in view of the February 17, 1983 decision by the California Supreme Court in the lawsuit filed by the National Audubon Society against Los Angeles. That decision requires that the Los Angeles citizens' need for water and the availability of possible replacement supplies from other sources be weighed against the environmental values of the Mono Basin that are protected by the public trust doctrine. In this context the Los Angeles City Attorney's Office has stated:

> "The fact of the matter is that the mere enactment of the bill establishing such a monument will have some adverse affect in the pending litigation. It is impossible to quantify such adverse impact, but certainly the creation of the National Monument would significantly elevate the status of the lake and its surroundings to a prestigious level that it does not enjoy."

The National Monument legislation would adversely affect Los Angeles water supplies, notwithstanding any provisions which would appear to protect the City's water rights. The Supreme Court has given a new meaning to the term water rights and has stated, in effect, that rights exist only to the extent that use of water can be harmonized with protection of public trust values, i.e. environmental values.

V. REGIONAL WATER SUPPLY IMPLICATIONS

Overview

Southern Californians depend on water imported from three distant sources to make up for inadequate amounts of rainfall and groundwater. These sources are:

1) Colorado River water which is conveyed through the Colorado River Aqueduct.
2) Water from Northern California which is transported through the California State Water Project and conveyed by the 444-mile long California Aqueduct.
3) Owens Valley and Mono Basin water which is conveyed through the 338-mile long Los Angeles Aqueduct System.

The Metropolitan Water District of Southern California (MWD) distributes the water imported through the Colorado River Aqueduct and the California Aqueduct. The City of Los Angeles distributes water from the Los Angeles Aqueducts, which is owned and operated by the City, to consumers within the City.

Los Angeles Water Supply

The Los Angeles Aqueduct System provides 78 percent of the City's water supply. Local groundwater basins provide 17 percent, and the remaining five percent is purchased from MWD. The City has a legal entitlement to purchase about one-third of MWD's supplies. However, because the City's usage has been less than its entitlement, its share has been supplied to other cities in Southern California.

The City's water supply from the Mono Basin averages 100,000 acre-feet per year, or one-sixth of its total supply. This is enough water to meet the needs of about one-half million people, or a city approximately the size of San Francisco. Suggestions have been made that the Mono Basin water is unnecessary, and by employing a more aggresive water conservation program the City could get by without this portion of its supply.

The City already has a very active and comprehensive long-range conservation program which includes metering, leak detection, school educational programs, commercial and industrial conservation awards programs, a residential irrigation program, and free commercial and residential conservation audits. In addition, Los Angeles completed distribution of water conservation kits in 1981 to each household within the City at a cost of nearly $1 million.

The City's conservation program also includes an ordinance which is activated during droughts to mandate appropriate levels of rationing depending on the water supply conditions. This was in effect during the drought in 1977.

Even with all of these measures, the Los Angeles water consumption has returned to a level nearly as great as that experienced prior to the drought of 1976-77. This increase in consumption has occurred not only in the City, but statewide use has also returned to, and in some cases exceeded, the pre-drought levels as indicated in the table below.

Water Use in California Cities
Gallons Per Person Per Day*

	Calendar Years							
City	1975	1976	1977	1978	1979	1980	1981	1982
EBMUD (Oakland, etc.)	178	190	115	138	146	164	163	175
Fresno	241	240	194	215	244	230	226	208
Humboldt Bay (Eureka, etc.)	134	136	118	135	146	148	146	141
Los Angeles	170	174	149	147	159	163	170	159
Marin Municipal	143	109	49	99	115	126	130	132
Modesto	345	330	293	304	332	327	358	313
Riverside	222	258	197	204	224	222	233	216
Sacramento	279	306	258	276	289	309	310	285
San Diego	178	193	180	173	175	185	192	192
San Jose Waterworks (private company, serves most of the San Jose area)	173	184	142	158	165	167	172	165
Santa Barbara	170	165	145	141	148	155	164	160

* Based on total water sales and total population served.

The only possibility of obtaining and maintaining a one-sixth reduction in water consumption is by permanent mandatory rationing.

The replacement cost of the Mono Basin water supply is estimated at a minimum of $37 million annually. The cost of buying replacement water from either of the other aqueducts serving Southern California would be more than $22 million per year at prices that took effect January 1, 1984. Replacing the lost hydroelectric energy generated by this water would cost an additional $15 million per year. The 25-year cost of replacing the water and energy would exceed $1 billion.

Southern California

Regional water supply planning for Southern California is based on the City's continued supply from Mono Basin. If that supply is cut back, all those in Southern California who depend on imported water would be forced to curtail their use if a replacement supply from another source were not available.

The supply of water available to Southern California from the Colorado River will be substantially reduced beginning in 1985 when the Central Arizona Project is completed. The amount of cutback could be as much as 60 percent of this supply during dry periods, or the equivalent of roughly one-fifth of the total water used by the 12 million residents of Southern California. In addition, about one-fifth of the remaining supply could be lost to the Indians along the Colorado River as a result of current litigation. It was the Colorado River supply that saved Southern California from widespread water shortages during the 1976-77 drought. Clearly, Colorado River water could not be used to replace the City's Mono Basin supply.

The only feasible replacement supply for the foreseeable future is water collected by the State Water Project and transported by the California Aqueduct. This project is only a little more than 50 percent complete. After 1985, when losses of water to Arizona will result in more demands on the State Water Project, it will not be able to supply all the water needed until additional facilities are constructed. The next such facility scheduled for construction was the Peripheral Canal. However, the future of the State Water Project is uncertain because of the June 1982 defeat of Proposition 9, which would have authorized its construction. At least ten years will be necessary to obtain approval for, to design, and to construct an equivalent facility.

Water supply shortages in Southern California are likely to be felt after 1985 during dry years, and possibly normal years beginning in about 1990, even without a loss of Mono Basin water.

If the City were to lose its Mono Basin supply due to legislative or litigative actions, Los Angeles' consumers would be burdened with higher costs for replacement water and energy supplies, even if they are available and could be subject to stringent water rationing.

Statewide Implications

Moreover, water supply problems of the State Water Project would be compounded by a new unanticipated demand for more water. Shortages would be felt first by the farmers in the San Joaquin Valley whose source is the State Water Project. Irrigation supplies have a lower priority than municipal use under State Water Project contracts. Depending on the magnitude and duration of the shortage, urban users could also be affected.

Development of a new water supply to replace Los Angeles' Mono Basin supply would be expensive and very likely controversial.

As an indication, a project with a water supply yield of about one-third the yield of the Federal Auburn Dam in Northern California would be necessary. Auburn Dam has an estimated cost of $1.4 billion.

VI. MONO BASIN ENVIRONMENT

Overview

The Mono Lake Basin has been a closed hydrologic system for thousands of years. Water runs into the lake from streams, surface runoff, springs and rainfall. In a state of nature, equilibrium of the lake is maintained when average annual evaporation from the surface equals average annual inflow. As evaporation takes water from the lake, it leaves behind salts. As a consequence, even in a state of nature, Mono Lake was a saline lake in which fish could not live.

The only living things in the lake were and are brine shrimp and various forms of algae upon which the brine shrimp feed. Brine flies, which live on the shores of the lake, and brine shrimp provide large amounts of food for both the migratory birds that visit Mono Lake and for nesting birds, chiefly the California gull. Fresh water for the nesting and migratory birds is available from the streams and springs in the area.

Lake Level

Today, Mono Lake has an area of approximately 65 square miles. It is about 2-1/2 times saltier than the ocean. As a result of the City's diversion of an annual average of about 100,000 acre-feet of water, the lake surface elevation gradually declined 14 feet between 1970, when increased use of the water began, and 1982. The rate of decline will gradually decrease during the next 80 to 100 years until the lake stabilizes about 50 feet lower than its present elevation, at which time it will have a surface area of about 38 square miles. The salt content, which is about 9 percent, will gradually increase to about 21 percent. In comparison, the Great Salt Lake in Utah is characterized as having salinities ranging from 13 to 26 percent.

Due to the release of excess water, the March 1984 level of Mono Lake is more than eight feet higher than the lowest lake level reached in early 1982. Runoff from the Eastern Sierra watershed during the 1982-83 water year, which extends from October 1 to September 30, was the second largest on record. Runoff from the previous water year, 1981-82, was the third largest on record. During this period and through January 1984, Los Angeles was able to meet all of its needs and still release more than 400,000 acre-feet of water into Mono Lake. At least six years will elapse before the lake level gradually declines to the early 1982 lake level.

Additional information on Mono Lake's water level is shown in two exhibits, "Recent Changes in Mono Lake Water Surface Elevation" and "Mono Lake Water Levels", following this section.

Environmental Research

How the declining lake level will affect the Mono Lake ecosystem is the subject of comprehensive environmental studies sponsored by the City. Since 1980, an expanded Mono lake monitoring and research program has developed new information about the lake's California gull and migratory bird populations, chemistry and life forms, springs, and Mono Basin air quality.

For the future, the City plans to support further research activities, in addition to the $800,000 already spent on research studies, to gain conclusive answers to questions about how the Mono Lake environment will change with continuing diversions. These studies are being coordinated with other researchers. For example, a research symposium on Mono Lake was held May 6 and 7, 1982, sponsored by the University of California at Santa Barbara, the Santa Barbara Museum of Natural History, the United States Fish and Wildlife Service, and the City of Los Angeles. The purpose of the symposium was to provide a forum for scientists studying the lake's ecology to share their findings and coordinate future work. In addition, several Ad Hoc meetings on brine shrimp and primary productivity studies have been held, the most recent in February, 1984. City, University of California at Santa Barbara, and independent researchers have attended these meetings.

The following discussion summarizes some of the research that has been and will be conducted.

California Gulls

Substantial numbers of California gulls continue to nest (see exhibit entitled "Mono Lake - Estimated Number of Breeding Adult Gulls") and raise their young on the numerous islets that have formed at Mono Lake. During 1983, it was estimated 50,000 adult gulls returned to Mono Lake, and approximately 16,000 gull chicks were counted in July by a joint census team of wildlife biologists. Of that number about 11,000 to 12,000 gull chicks successfully fledged and left the lake. This is in contrast to 1981 when abnormally hot weather contributed to the mortality and about 10 percent of the 11,000 gull chicks survived.

Many of the islets west of Paoha island, that are used by the gulls for nesting, were damaged or destroyed during 1983 by erosion resulting from the sharp increase in lake level. It is uncertain how much of an impact this will have on gull nesting during 1984, since the rising lake level has also covered the land bridge to Negit Island, making this area available for nesting. Negit, which previously had been a major site for gull nesting, had been connected to the mainland since 1979.

Dr. Joseph R. Jehl, Jr., of Hubbs-Sea World Research Institute in San Diego and Dr. Sheila Mahoney of Florida-Atlantic University in Boca Raton, Florida, studied the salinity tolerance of California gulls at Mono Lake during the summer of 1982. They found that gulls adapt behaviorally to the saline lake water by drinking large amounts of fresh water through the entire day and by shaking excess lake water from their prey, mainly brine shrimp. During 1984, Dr. Jehl will continue to study the productivity of the gulls, and also measure microclimates in the nesting areas to possibly develop ways of improving gull habitat.

Brine Shrimp

Research conducted by the City at ponds adjacent to Mono Lake under experimental conditions has shown that the brine shrimp can thrive in a salinity of at least 15 percent salt. This salinity content will not be reached in Mono Lake for more than 30 years. To date, there is no evidence that the ultimate estimated salinity of 21 percent in Mono Lake will be fatal to the shrimp.

During 1983, DWP staff working cooperatively with independent researchers reported that the shrimp population was similar to that measured during 1981 and 1982. The populations in all three years showed a relatively low first generation that produces a second generation ten times as abundant. This information is shown in the exhibit "Mono Lake Brine Shrimp Population", following this section.

Attention is also being focussed on the brine shrimp's hatching mechanisms. DWP staff are currently conducting experiments on the effect of temperature, salinity, and incubation time on shrimp hatching. In addition, the DWP has contracted with Dr. John Crowe and Ms. Laurie Drinkwater, both of the University of California, Davis, to perform additional experiments. Dr. Crowe is directing Ms. Drinkwater in the performance of research on the physiology/biochemistry of the hatching process.

Migratory Birds

The major migratory birds to visit the Mono Basin are eared grebes, Wilson's phalaropes and Northern phalaropes. The grebes are the commonest species, numbering about 750,000 each fall. The Wilson phalaropes number about 120,000 individuals and the Northern phalaropes number about 50,000 individuals.

Studies by Dr. Jehl in 1981, 1982, and 1983 show that the birds do extremely well at the lake, finding enough food to eat and exhibiting negligible mortality. In 1983, Dr. Jehl and Dr. Mahoney performed research to determine how the eared grebe can cope with Mono Lake's saline conditions yet never visibly drink fresh water. They found that the grebes get all their fresh water needs by eating brine shrimp, whose salinity is much less than sea water.

During 1984, Dr. Jehl and Dr. Mahoney will study how both species of phalaropes cope with Mono Lake's saline waters, in addition to regular monitoring of all the migratory bird species' population and mortality.

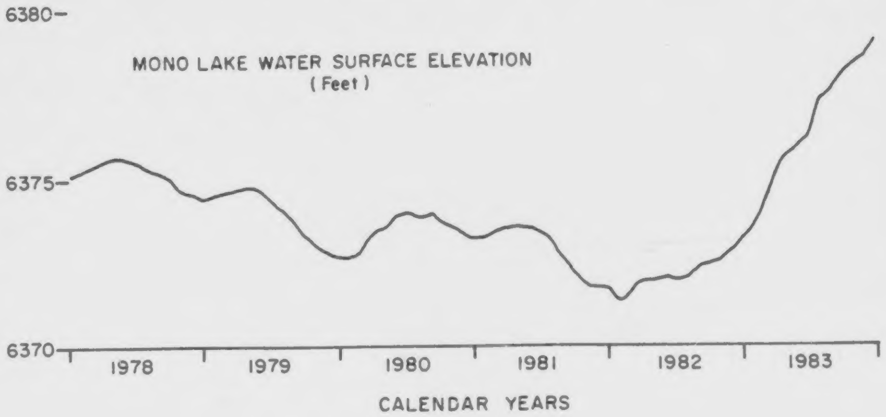
Algae

Algae is the base of the Mono Lake food chain. Brine shrimp feed on the algae, and birds feed on the shrimp. During 1982 and 1983, DWP funded the research of Mr. Robert Jellison of the University of California, Santa Barbara (UCSB) who worked under the direction of Dr. John Melack, also of UCSB. Mr. Jellison studied the productivity of the algae and measured the occurrence and concentration of nutrients upon which the algae are dependent.

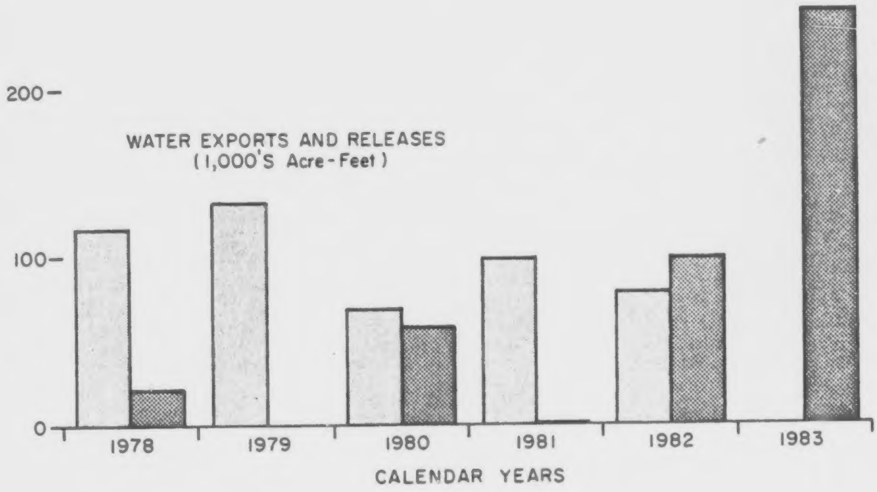
Air Quality

Studies in the Mono Basin indicate that the principally inhabited area on the west side of the lake has excellent air quality. After four years of an ongoing study by the City, there were less than five percent of the days when the amount of dust either equaled or exceeded that shown in the photos in the exhibits following this section. About ninety percent of the daily photographs show conditions were clear. This information is shown in the exhibit entitled "Summary of Mono Basin Air Quality Photos."

RECENT CHANGES IN MONO LAKE WATER SURFACE ELEVATION



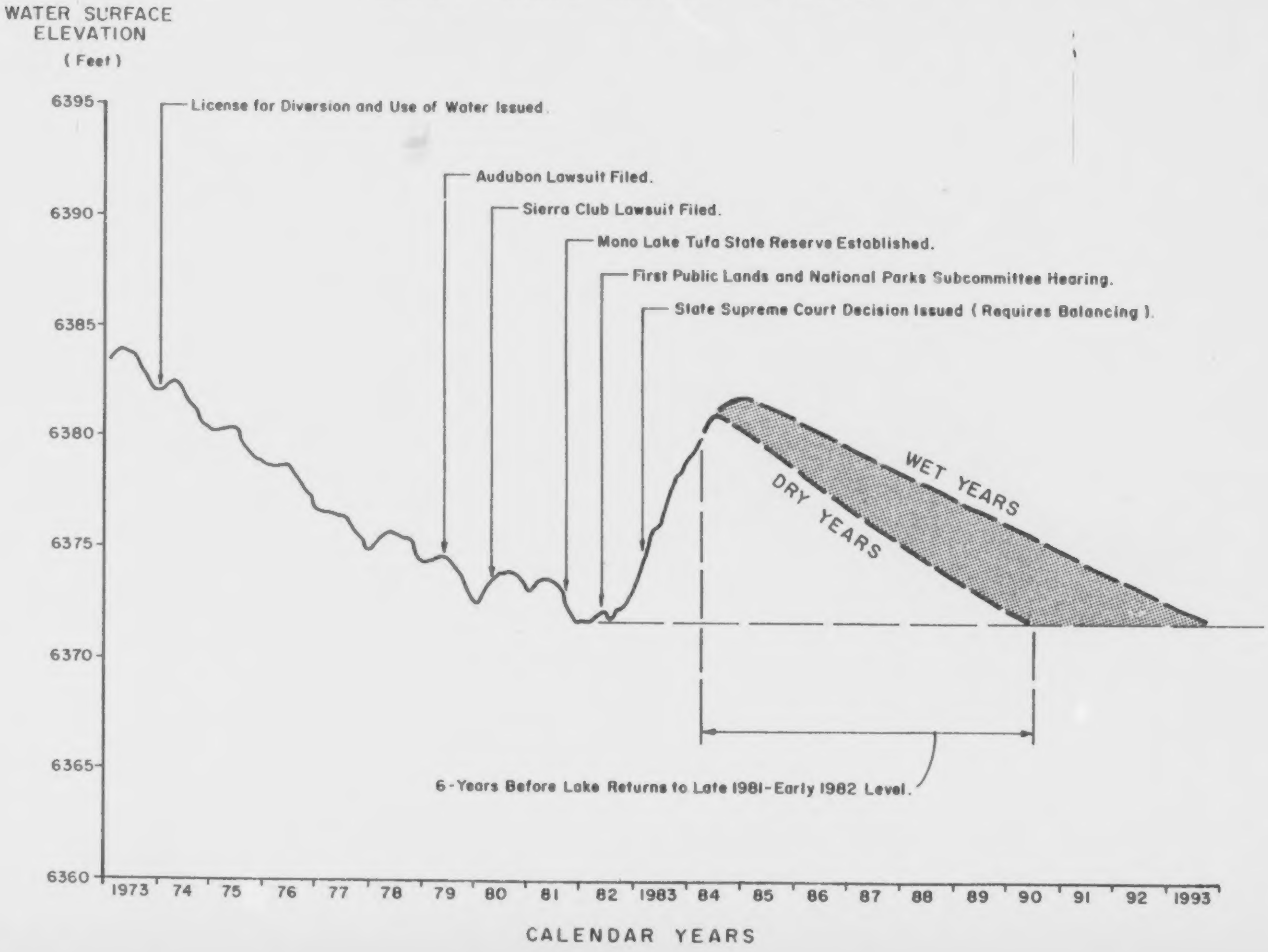
Based on first reading recorded for each month.
Future stabilized level = 6330 feet.
Elevation of Mono Lake bottom = 6260 feet.



☐ Export to Los Angeles
▨ Releases to Mono Lake

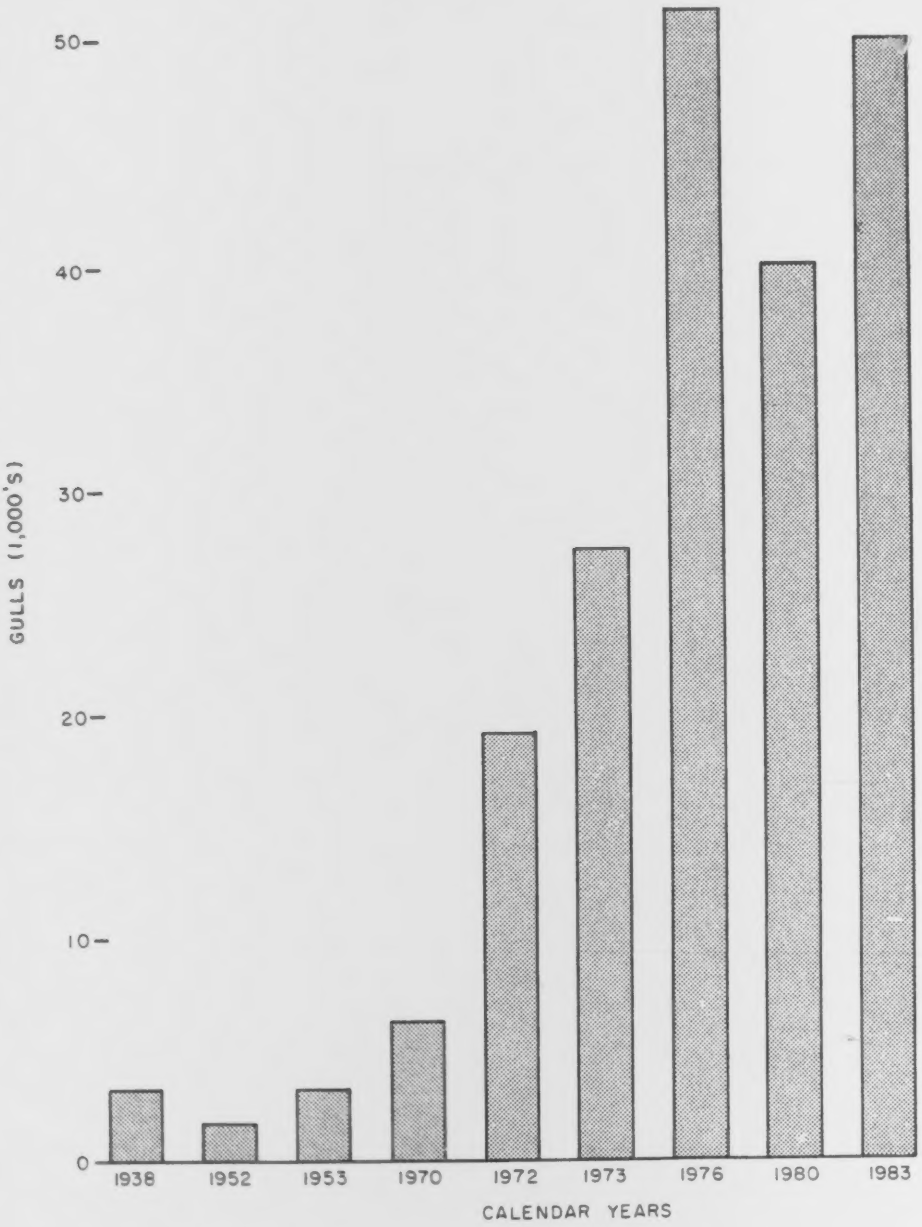
An average of 8,000 Acre-Feet per year is used within the Mono Basin.
In addition, 68,000 Acre-Feet per year flows into Mono Lake from other sources.

MONO LAKE WATER LEVELS

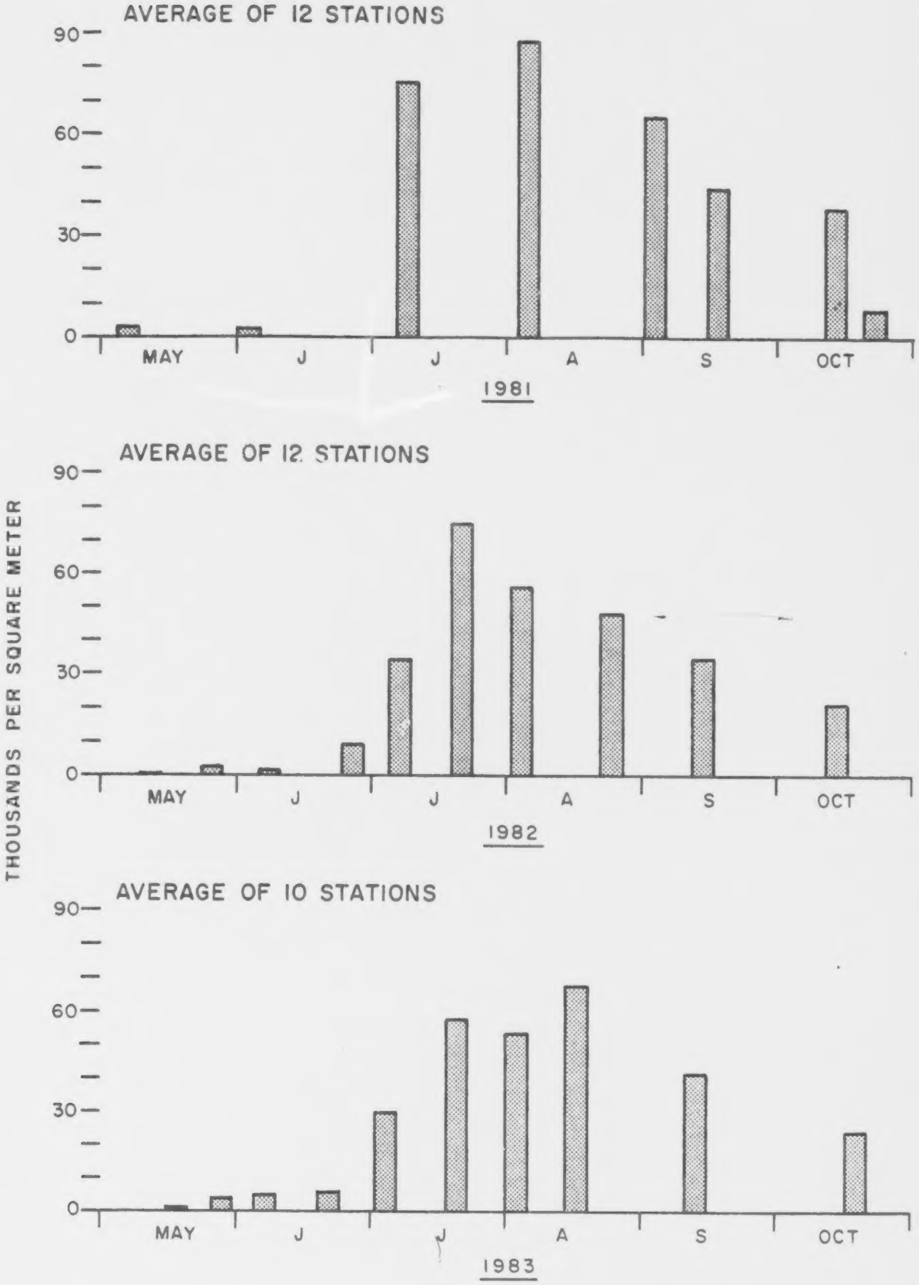


MONO LAKE

Estimated Number of Breeding Adult California Gulls

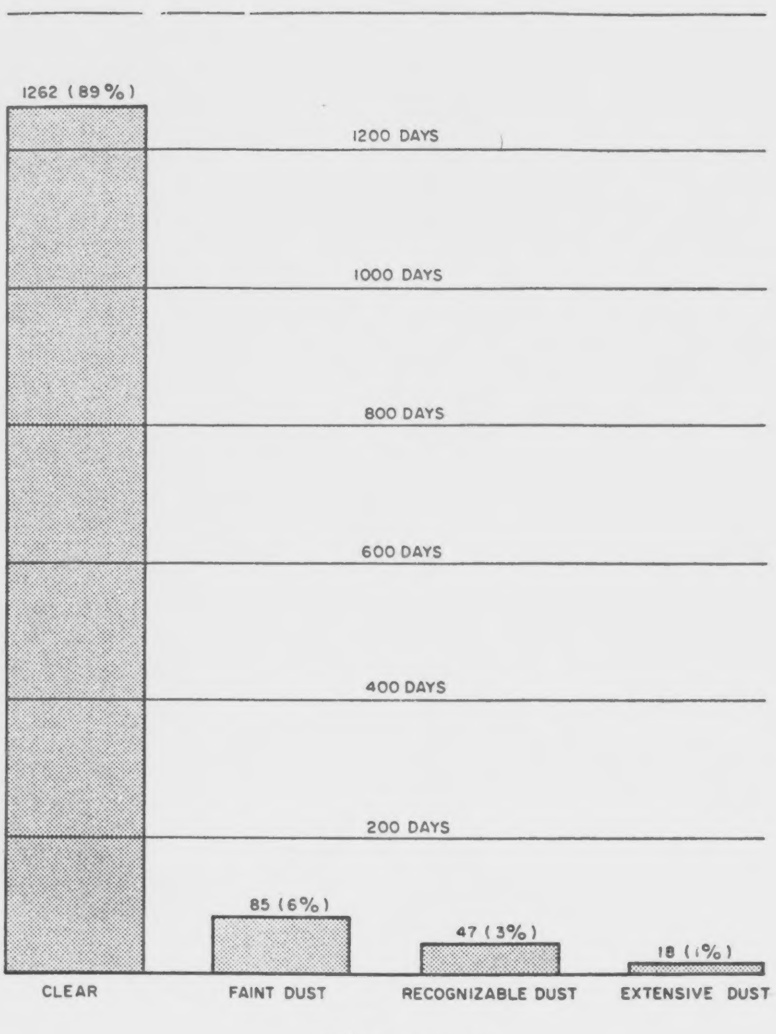


MONO LAKE BRINE SHRIMP DENSITIES
Adult and Juvenile Life Stages



SUMMARY
MONO BASIN AIR QUALITY PHOTOS
FEBRUARY 22, 1980 THRU FEBRUARY 21, 1984

(1461 DAYS)*



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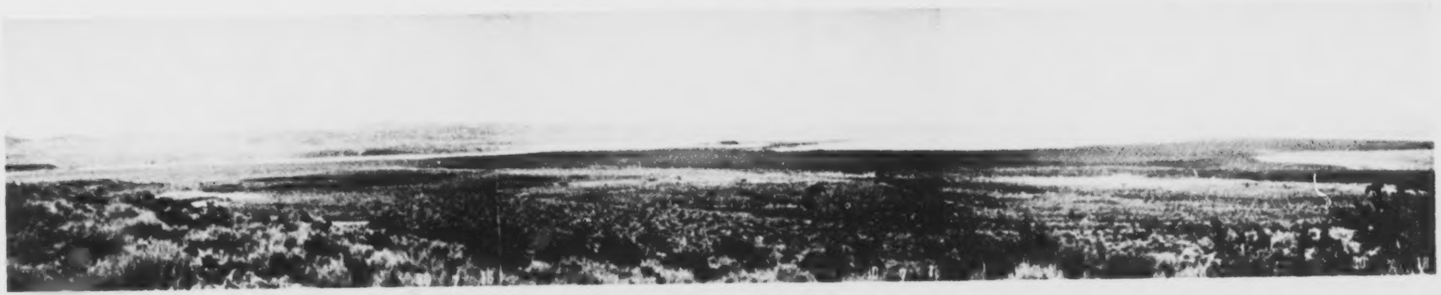
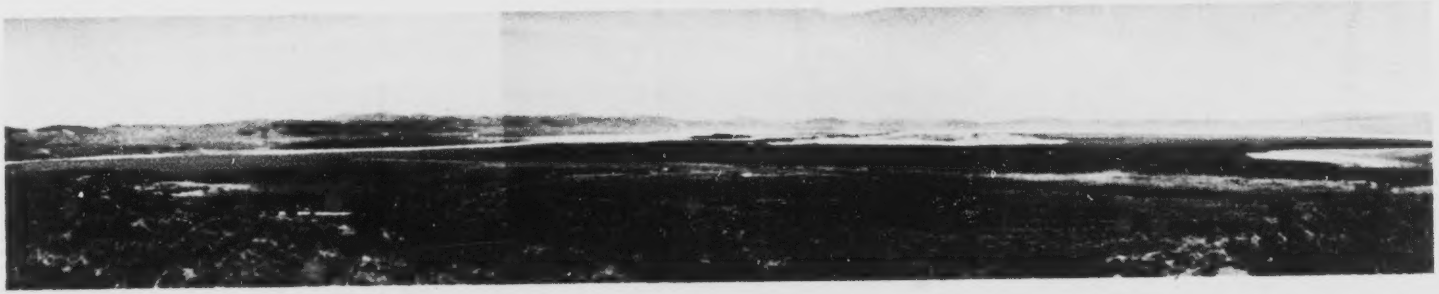
* 49 Days excluded because of blurry or missing photos.

EXAMPLES OF MONO BASIN AIR QUALITY PHOTOS
CATEGORY - RECOGNIZABLE



JULY 18, 1980



MAY 11, 1981

STATEMENT OF ANDREA LAWRENCE, MEMBER, MONO COUNTY BOARD OF SUPERVISORS

Ms. **Lawrence**. Thank you, Senator. It's a pleasure to be here and see you again.

Senator **Wallop**. Nice to see you.

Ms. **Lawrence**. And the members of your committee; I have a statement today. I am representing the county of Mono, and it is my great pleasure to do so. I have also submitted for your record a statement from Supervisor Johnson who is the actual legislation supervisor from that district who could not be here today, as well as a statement from the Mono County Chamber of Commerce.

Mr. Chairman and members of the subcommittee, I am Andrea Lawrence, a member of the Mono County Board of Supervisors. On behalf of the board, it is my pleasure to reaffirm our strong support for Congressman Richard Lehman's H.R. 1341, the Mono Basin National Forest scenic bill.

The Mono County Board of Supervisors has consistently and unanimously supported efforts to establish a national monument or scenic area around Mono Lake. Exactly 2 years ago, Mono County Supervisor Robert Stanford traveled to Washington, DC, to testify in favor of Congressman Norman Shumway's Mono Lake National Monument legislation. Since that time, we have worked closely with Congressmen Shumway and Lehman in developing the current scenic area compromise.

We would like to emphasize the broad support for H.R. 1341 in Mono County. It has been endorsed not only by environmental groups but also by the Mono County Chamber of Commerce, Lee Vining Chamber of Commerce, and virtually every local resident. The scenic area bill reflects thoughtful attention to both the protection of a priceless resource and the interests and needs of the people who live around it.

We are especially pleased to be joined in support of H.R. 1341 by the entire California delegation, as well as the Governor of California and the city of Los Angeles. There can be no question that the lands around Mono Lake need and deserve scenic area status. Within the 57,000 acres proposed for the scenic area, there is a stunning diversity of spectacular scenery and land forms unique in the world. Words cannot do justice to the landscape of glacier-carved mountains, volcanic islands, young volcanos and tufa formations that seem to belong in outer space. Many of our visitors are from foreign lands who have never seen anything like it before and have asked us many times why isn't Mono Lake a national park?

We value Mono Lake not only for its extraordinary beauty, but also for its recreational and economic benefits. Every year thousands of people cross Tioga Pass from nearly Yosemite National Park or drive up from the urban centers of southern California to walk Mono's beaches, swim and canoe in its waters, and enjoy its dramatic setting, delicate tufa towers, and spectacular volcanic features. The scenic area will protect Mono's scenery while facilitating its enjoyment by all Americans. In so doing, it will also bolster our tourist-based economy.

In recent years the number of people visiting Mono Lake has increased from a trickle to a flood. Some of the tufa have been damaged and disfigured by campfires, target practice, and souvenier hunters. We are confident that H.R. 1341 will afford the tufa and Mono's other unique features the protection and management they obviously deserve.

The Mono County Board of Supervisors are particularly pleased with the effort Congressman Lehman has made to ensure that the county and local community had input to establishing the final details of the Mono Basin National Forest scenic bill. We are pleased that H.R. 1341 authorizes a visitor center. This will help to inform and educate our visitors about Mono's natural wonders.

Moreover, we support the provisions of H.R. 1341 for studying the impact of declining water levels on the biological, ecological, historical and aesthetic values of Mono Lake. We hope that this may help to bring about a reasonable and equitable compromise to the lake level problem.

Mr. Chairman, in light of some of the comments that have been made earlier, I would like to just, with your leave, discuss some quick points that were brought up.

One has to do with geothermal. The County of Mono itself has some 43,500 or 40,000 acres of geothermal resource. Actually to the best of my knowledge, the viable resource that they are anticipating is south of this particular area. Both Union—I may not be 100 percent correct on this, but Union Oil, Getty, and I think there is one other one, is building in this area. They have not found any resources so far. Mammoth Lakes, which is south of here some 30 miles, Union has the lease in there, and they are expecting—maybe that is the enthusiasm of their industry—they are hoping to find a very good resource there. East of where I am in Mammoth as well as there is some drilling going on locally. We have on private lands, some geothermal on 430 odd thousand, 40,000 acres. We feel that the large value in this particular instance is to keep this as the scenic area.

Your comments regarding private property I should like to take just a moment to comment on. We have in this area, in the Basin itself, some 4,000 acres of private land. One of the nice things we feel about how this bill has come about is that we have pretty much talked and worked with the people who have private holdings on this 4,000 acres, and indeed those that have the holdings, the bill allows for 100 percent of build-out. Whatever it is they have, they can double.

The other thing that is very important, and I worked very hard with the community as well as the county on this, is that this advisory board does include people from the town. We felt that was very, very important. The community and the county have real input into the finalization of whatever the plan is, and I don't want to take an undue amount of time, but our business, which I said before the last time I was here on the California wilderness, our business is recreation. This is a recreational-based area. That is our long-term dollars—recreation. This area, as you know, sits right as you exit Tiola Pass, and there is a lot of merit we feel to this, and we feel we have worked with the community, the Mono Lakes community, have worked an incredibly long time with the community itself, and they are sympathetic to us and would like to see you support it.

I know wholeheartedly our county supports it, and we thank you for the time and energy that it takes for you to deal with these issues. We appreciate it very much. Thank you.

[The prepared statements of Ms. Lawrence and Mr. Johnson follow:]

Office of the . . . BOARD OF SUPERVISORS
COUNTY OF MONO
COURTHOUSE · BRIDGEPORT · CALIFORNIA · 93517

P. O. Box 715
TELEPHONE
(619) 932-7911, EXT. 215

STATEMENT BY ANDREA LAWRENCE, SUPERVISOR, MONO COUNTY, CALIFORNIA

Before the
Senate Subcommittee on Public Lands and Reserved Waters

May 17, 1984

Mr. Chairman and Members of the Subcommittee:

I am Andrea Lawrence, a member of the Mono County Board of Supervisors. On behalf of the board, it is my pleasure to reaffirm our strong support for Congressman Richard Lehman's H. R. 1341, the Mono Basin National Forest Scenic bill.

The Mono County Board of Supervisors has consistently and unanimously supported efforts to establish a National Monument or Scenic Area around Mono Lake. Exactly two years ago, Mono County Supervisor Robert Stanford travelled to Washington, D. C. to testify in favor of Congressman Norman Shumway's Mono Lake National Monument legislation. Since that time we have worked closely with Congressmen Shumway and Lehman in developing the current Scenic Area compromise.

We would like to emphasize the broad support for H. R. 1341 in Mono County. It has been endorsed, not only by environmental groups, but also by the Mono County Chamber of Commerce, Lee Vining Chamber of Commerce and virtually every local resident. The Scenic Area bill reflects thoughtful attention to both the protection of a priceless resource and the interests and needs of the people who live around it.

We are especially pleased to be joined in support of H. R. 1341 by the entire California delegation, Senators Pete Wilson and Alan Cranston, Governor George Deukmejian and the City of Los Angeles.

There can be no question that the lands around Mono Lake need and deserve "scenic area" status. Within the 57,000 acres proposed for the Scenic Area there is a stunning diversity of spectacular scenery and landforms unique in the world.

Words cannot do justice to this landscape of glacier-carved mountains, volcanic islands, young volcanoes and tufa formations that seem to belong in outer space. Many of our visitors are from foreign lands who have never seen anything like this before. Again and again they ask us, "why isn't Mono Lake a National Park?"

We value Mono Lake not only for its extraordinary beauty, but also for its recreational and economic benefits. Every year thousands of people cross Tioga Pass from nearby Yosemite National Park or drive up from the urban centers of Southern California to walk Mono's beaches, swim and canoe in its waters, and enjoy its dramatic setting, delicate tufa towers and spectacular volcanic features. The Scenic Area will protect Mono's scenery while facilitating its enjoyment by all Americans. In so doing, it will also bolster our county's tourist-based economy.

In recent years, the number of people visiting Mono Lake has increased from a trickle to a flood. Some of the tufa have been damaged and disfigured by campfires, target practice and souvenir hunters. We are confident that H.R. 1341 will afford the tufa, and Mono's other unique features, the protection and management they obviously deserve.

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We are pleased that H.R. 1341 authorizes a visitor center. This will help to inform and educate our visitors about Mono's natural wonders.

Moreover, we support provisions in H.R. 1341 for studying the impact of declining water levels on the biological, ecological, historical and aesthetic values of Mono Lake. We hope that this may help bring about a reasonable and equitable compromise to the lake level problem.

Office of the . . . BOARD OF SUPERVISORS
COUNTY OF MONO
COURTHOUSE · BRIDGEPORT · CALIFORNIA · 93517

May 15, 1984

PAUL F. JOHNSON
District Three
P. O. Box 95
June Lake, Calif. 93529
Res. (714) 648-7433
Office (714) 932-7911

The Honorable Senator Malcolm Wallop
Chairman, Senate Sub-Committee
Public Land and Reserved Waters
United States Senate
Washington, D. C. 20515

Dear Senator Wallop:

As prior commitments preclude my personal appearance before your Committee, I herewith submit the following as testimony:

I submit, without fear of contradiction, that a vast majority of the population of Mono County support H. R. 1341.

The Bill in its present form presents a reasonable compromise to those concerns expressed by many. National status will greatly increase the chances that Mono Lake can be stabilized, that it will retain its scenic and recreational value and will preserve those lands within its boundarys from obtrusive uses. Further, it will aid in our efforts to control and prevent increases in our air pollution.

Mono Lake, over the years has provided one of the outstanding scenic wonders of the Eastern Sierra. The lake has developed into an item of both national and international significance. Its natural wonders bring visitors from the four corners of the world which has a positive impact upon the region's economy.

Beyond the economic and personal concerns for preservation of a natural wonder such as Mono Lake, is a deep-seated intolerance of allowing such a valuable part of history to die.

H. R. 1341 in its present form will create a giant step forward in the preservation of Mono Lake. My support is total and unqualified.

Respectfully,

Paul F. Johnson

Paul F. Johnson, Supervisor
District No. 3
County of Mono

PFJ:p

cc - Richard Lehman, Member of Congress
   - Mono Lake Committee, Lee Vining, CA 93541

Senator WALLOP. Thank you very much, Ms. Lawrence. Mr. Gaines?

STATEMENT OF DAVID GAINES, CHAIRMAN OF THE BOARD, MONO LAKE COMMITTEE, LOS ANGELES, CA

Mr. GAINES. Thank you, Mr. Chairman. My name is David Gaines, and I am chairman of the board of Mono Lake Committee. We are a 6,000-member nonprofit citizens group trying to preserve the esthetic, recreational, ecological, and scientific values of the Mono Lake.

I am also a property owner and a homeowner in the Mono Lake region in the small town of Lee Vining, so I feel like I can also speak on behalf of the property owners within this proposal.

It is my pleasure to affirm our support for this bill, and we hope that the committee will report favorably on it. We would like to see it pass in this session of the Senate.

I would like to emphasize that as Andrea said, locally in the Mono basin we have almost complete support for this measure. It has been worked out very carefully. Those people who do own property within the boundaries of the scenic area do support this bill and feel comfortable with it.

Basically we support the bill for three reasons. The lake is internationally recognized. The values deserve protection. They are duplicated nowhere else on Earth. It is a real special place. It is a place that people look at and they say why isn't this a national park? It is that kind of scenic caliber.

Second, the area as a result of the significant publicity in national magazines and so forth has enjoyed an increased visitation. Visitation doubled and tripled in the last few years, and there is a minimal presence there, a minimal Federal presence.

This proposal does not require any land acquisition. We are just talking about basically bringing some appropriate management to lands that are already in Federal ownership, and there is a real need for that. In particular, the tufa formations which look like they belong on some other planet are truly extraordinary, and they are being damaged through campfires, vandalism, and target practice and what not, and what we are trying to do through this bill is provide appropriate management for a resource that is unique and is incredible, and also to facilitate its enjoyment by all Americans.

Third, I feel that the scientific study authorized by the bill is very important. There have been some funds appropriated by the State of California for additional studies that are similar, but the amount of funds appropriated by the State is less than half of what the community thought was necessary to evaluate and project the impact of the declining lake level on the ecology upon the lake. This information is really going to be crucial, and I believe Mr. Kuebler of the department of water and power will second me on this. It is really crucial in deciding how to manage the resource, and we are working together with the city of Los Angeles to protect values here, and so I do feel that those studies are very important.

The geothermal resource is minimal in this area. Test wells were drilled in 1970 at two areas within the scenic area opposite Mono

Lake and found no evidence at all of a developable resource, and as Andrea mentioned, industry interest has focused to the south in Long Valley, so I don't see any conflict there.

I believe that the Visitors Center is an appropriate expenditure of funds. It is important to have a center where people can come and get information about the area. Visitation presently, people driving past the lake, people actually visiting the lake, even now with no or very minimally developed access is estimated at 150,000 to 200,000 people a year, so I feel the amendments suggested by the Department of Agriculture are unnecessary. I feel confident that that is also the view of the people who live in the area that will be most affected by this legislation.

[The prepared statement of Mr. Gaines follows:]

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STATEMENT OF DAVID GAINES
CHAIRMAN OF THE BOARD, MONO LAKE COMMITTEE, LOS ANGELES, CALIFORNIA
BEFORE THE
SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

MAY 17, 1984

Mr. Chairman and Members of the Subcommittee:

My name is David Gaines, and I am chairman of the board of the Mono Lake Committee. We are a non-profit organization based in Los Angeles with 6,000 members. Our goal is to preserve the esthetic, recreational, ecological and scientific values of the Mono Lake region for the enjoyment and benefit of future generations. I am also a resident and property owner in Lee Vining adjacent to Mono Lake.

It is my pleasure to reaffirm the Mono Lake Committee's support for H.R. 1341, the legislation introduced by Congressman Richard Lehman to establish a Mono Basin National Forest Scenic Area.

The Mono Lake region deserves and needs the focused management attention that H.R. 1341 would provide. For over 20 years I have been entranced, amazed and inspired by Mono's mysterious, haunting beauty. It has no rival anywhere. Its dramatic islands, sweeping shorelines, recently active volcanoes and limestone tufa towers comprise one of America's most extraordinary natural treasures, clearly deserving of national recognition and management.

Dominating the proposed ~~4~~57,000 acre scenic area is Mono Lake itself, perhaps the oldest lake in North America. For more than a million years, its blue waters have reflected the snow-clad, glacier-carved wall of the Sierra Nevada east of Yosemite National Park. Volcanoes have exploded from its depths, spawning lava-strewn islands. A spell-like spirit pervades its shores, heightened by spires of tufa which seem to belong on a distant planet. Nearby are jagged lava flows, cinder cones and explosion craters, evidence of recent and violent volcanic activity. All of these features would be protected for posterity by the proposed scenic area.

Over the past decade I have introduced thousands of people from around the world to the Mono Lake landscape. I wish I could convey their excitement. "I never knew this was here," is the common sentiment. "This should be a national park!"

Mono's remarkable scenery is luring increasing numbers of visitors. Already visitation has begun to impact fragile tufa formations. For this reason, H.R. 1341 is urgently needed. By establishing a national scenic area, Congress will mandate the proper and responsible management that the Mono Lake region deserves, while facilitating its enjoyment by all Americans.

Moreover the Mono Lake Committee lauds the provision in H.R. 1341 for studying the impact of declining water levels on the biological, ecological, historical and esthetic values of Mono Lake. This study will provide objective information that will aid decisionmakers seeking to resolve the lake level controversy.

To summarize, the Mono Lake Committee supports the establishment of a Mono Basin National Forest Scenic Area because (1) Mono's internationally recognized esthetic, ecological and scientific values more than warrant scenic area status, (2) increasing visitation necessitates more attentive management by an experienced federal agency, and (3) additional objective studies will help resolve the lake level controversy.

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STATEMENT IN SUPPORT OF H.R. 1341
MONO BASIN NATIONAL FOREST SCENIC AREA

The Mono Lake Committee supports H.R. 1341, which would establish a Mono Basin National Forest Scenic Area on federal lands around Mono Lake, California. We have taken this position for the following reasons:

1. Federal lands around Mono Lake and in the Mono Craters possess outstanding geological, scientific and scenic values that warrant recognition and management.

Mono Lake's dramatic islands, sweeping shorelines, spectacular volcanoes and delicate tufa formations comprise one of America's priceless natural treasures. The lake, a saline body of water twice the size of San Francisco, is cradled by 13,000-foot snow-clad peaks and recently active volcanoes. No other region of comparable size can equal Mono's geological diversity. The scenic area would protect features that are unique, extremely unusual or classic volcanic landforms. Among these features are the following:

A. Tufa formations. Nowhere else on earth is there anything similar to Mono's limestone tufa spires. They were formed by freshwater springs bubbling up through Mono Lake's carbonated brine.

B. Negit and Paoha Islands. Mono's starkly contrasting black and white volcanic islands erupted beneath the waters of the lake within the past two thousand years. They harbor explosion craters, cinder cones, jagged lava flows, iridescent obsidian, unique minerals and hot springs.

C. Black Point. The scenic area would include Black Point, a volcano which erupted beneath ice-age Mono Lake about 13,000 years ago. Its summit cracked into spectacular fissures three to eight feet deep and 30 to 50 feet deep that are veneered in frothy tufa. Nowhere else is a formerly underwater volcano so fully exposed.

D. Mono Craters. The youngest mountain range in North America consists of 20 volcanic domes rising 2,600 feet above the surrounding plains. No more spectacular volcanic landforms are found anywhere. They have erupted in recent centuries, and may do so again within our lifetimes.

E. Beaches, shoreline springs and Great Basin desert. The scenic area would encompass spacious beaches of fine pumice (volcanic) sand, shoreline springs of bubbling freshwater, and Great Basin sagebrush desert, a landscape lacking significant representation in the National Park system.

The Mono Basin National Forest Scenic Area would also protect the region's extraordinary scientific values. At least 12 Ph.D. dissertations have been written on Mono's geology and ecosystem in the past 20 years, and scientists are currently engaged in a wide range of studies.

2. The national park stature of federal lands contiguous to Mono Lake and in the Mono Craters has been recognized in study after study.

The following are examples:

A. In 1975 the Inventory of Natural Landmarks of the Great Basin compiled for the National Park Service gave Mono Lake and the Mono Craters both "1A" priorities as "nationally significant" and "urgently in need of protection."

B. The U.S. Forest Service and U.S. Bureau of Land Management have assigned Class A quality ratings to the scenic values of the Mono Lake area.

C. Negit Island was designated an Outstanding Natural Area by the Department of the Interior in 1972, primarily to protect the California Gull breeding grounds.

D. The U.S. Bureau of Land Management has designated 16,000 acres around Mono Lake as an ACEC (Area of Critical Environmental Concern) based on an analysis of the importance of the area's resources.

3. Additional federal management attention is needed to satisfactorily protect Mono Lake's tufa and other features in the face of rapidly increasing visitation.

Within the past few years Mono Lake's dramatic landscapes have been featured in *Life*, *National Geographic*, *Smithsonian*, *Sports Illustrated*, *Audubon*, *Sunset* and other magazines, and on national television. In the future an increasing proportion of the millions of visitors to nearby Yosemite National Park will visit Mono Lake as well. In August of 1980, the U.S. Bureau of Land Management reported that "an unprecedented increase of recreation use... has created numerous impacts to the tufa formations... as evidenced by felled tufa formations, char-stained tufa resulting from campfires, loss of vegetation due to site compaction, etc." In subsequent years, visitation has doubled and tripled. The Mono Basin National Forest Scenic Area will afford management commensurate with the extraordinary values of the resource and the demands of rapidly increasing visitor use.

4. All lands to be included in the Mono Basin National Forest Scenic Area are already in federal ownership; hence there would be no land acquisition costs.

5. H.R. 1341 authorizes needed research on the impact of the declining level of Mono Lake.

Mono Lake supports one of the world's most life-productive ecosystems, including a unique species of brine shrimp (*Artemia monica*) and hundreds of thousands of nesting and migratory birds. In 1977 biologists warned that increasing salinity, a result of the diversions of the lake's tributary streams, threatened the survival of the ecosystem. In 1979 this was reiterated by the Interagency Task Force on Mono Lake chaired by the California Department of Water Resources. In recent years, declines in spring brine shrimp populations and numbers of nesting California gulls have underlined the urgency of assessing the threat.

6. H.R. 1341 enjoys overwhelming local support, including the endorsement of the Mono County Board of Supervisors, Lee Vining Chamber of Commerce, and local elected officials.

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May 14, 1984

FOR IMMEDIATE RELEASE

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SENATE COMMITTEE CONSIDERS MONO LAKE FOR NATIONAL SCENIC AREA

WASHINGTON D.C. -- A broad coalition of government representatives and environmental groups will support legislation establishing the Mono Basin National Forest Scenic Area at a Thursday, May 17th Senate hearing on the measure.

"Mono Lake is an extraordinary natural treasure which attracts hundreds of thousands of visitors each year," said David Gaines, Chairman of the Mono Lake Committee. "We look forward to the Senate's approval of the scenic area, a measure which the public clearly supports."

HR 1341, authored by Congressman Richard Lehman (D-Sanger) will establish a 57,000 acre scenic area around Mono Lake. Senator Malcolm Wallop (R-Wyoming), Chairman of the Subcommittee on Public Lands and Reserved Waters within the U.S. Senate Committee on Energy and Natural Resources, will conduct the hearing on the legislation, beginning at 9:30 a.m.

California Senators Pete Wilson and Alan Cranston are scheduled to testify at Thursday's hearing along with Congressman Richard Lehman. They will be joined by representatives for the Mono County Board of Supervisors, the city of Los Angeles, and the Mono Lake Committee.

Among the bill's supporters is California Governor George Deukmejian who announced his administration's support for HR 1341 in March of this year. Others include State Senator John Garamendi, State Assemblyman Norm Waters, the Sierra Club, National Audubon Society, Defenders of Wildlife, Friends of the Earth and many other environmental groups and private citizens who favor preservation of this spectacular Eastern Sierra landmark.

HR 1341 won unanimous approval from the U.S. House of Representatives in July, 1983. The May 17th hearing is a crucial step towards passage of the legislation this year.

Mono Lake, located 15 miles east of Yosemite National Park, has declined 38 feet in elevation since the Los Angeles Department of Water and Power began diverting the lake's tributary streams in 1941. As a result, the lake's salinity has doubled, threatening its unique ecosystem, which supports thousands of nesting birds and millions of migratory waterfowl.

Hundreds of thousands of tourists visit the lake each year, drawn by the spectacular beauty of the tufa towers and by the photographic and recreational opportunities, including camping and bird-watching.

(EDITORS/NEWS DIRECTORS: The hearing will begin at 9:30 a.m. in room 342 of the Dirksen Office Building. David Gaines, Chairman of the Mono Lake Committee, Andrea Lawrence, representative for the Mono County Board of Supervisors, and Congressman Lehman will be available at the hearing to discuss the legislation.)

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MONO BASIN NATIONAL FOREST SCENIC AREA

H.R. 1341

CONTENTS

The Mono Lake Committee has assembled the materials in this packet to provide background on the Mono Lake issue and information on the Mono Basin National Forest Scenic Area legislation. Enclosed are the following:

Statement of Mono Lake Committee in Support of H.R. 1341
The Mono Lake Issue: Background Statement
Current Developments at Mono Lake
Summary of H.R. 1341
Questions and Answers
Mono Lake Committee Position Paper
Photograph of Mono Lake

SUPPORT FOR H.R. 1341

Support for establishing a Mono Basin National Forest Scenic Area around Mono Lake in eastern California 15 miles east of Yosemite National Park comes from around the world. In California H.R. 1341 is supported by the governor, virtually every legislator as well as local residents. Among the many groups supporting this legislation are the following:

*Defenders of Wildlife
*Environmental Defense Fund
*Friends of the Earth
*Friends of the River
*Lee Vining Chamber of Commerce
*Mammoth Lakes Chamber of Commerce
*Mono County Chamber of Commerce
*Natural Resources Defense Council
*The Sierra Club
*U.S. League of Women Voters
*National Wildlife Federation
*National Audubon Society

Mono Basin National Scenic Area

Summary of H.R. 1341

Boundaries

This bill establishes the Mono Basin National Forest Scenic Area in Mono County, California. The Scenic Area boundaries are depicted in maps on file with the Inyo Forest Supervisor and the Chief of the Forest Service. The designated lands cover about 57,000 acres surrounding Mono Lake.

Management

The Mono Basin National Forest Scenic Area will become part of the Inyo Forest and be administered by the Forest Service. Three years after passage of the Act, a management plan must be prepared to preserve the natural and cultural resources of the area and to provide for public use. Commercial brine shrimp operations, hunting and fishing will be allowed. The plan will also specify measures necessary to protect public health and safety and to promote scientific research.

Water Rights

This bill specifically acknowledges and does not alter in any way the city of Los Angeles' water rights. The Scenic Area designation will not create a federally reserved water right. This bill repeals a 1936 law which authorized the sale of public land in the area to the city of Los Angeles for $1.25 per acre.

Studies

The Scenic Area legislation authorizes the National Academy of Sciences to conduct a technical evaluation of the water level needed to sustain wildlife populations at Mono Lake. The research will help determine whether diversions of Mono's tributary streams are causing widespread disruption of the lake's ecosystem.

Acquisition

The vast majority of the land within the proposed Scenic Area is already managed by the federal Bureau of Land Management and the Forest Service. Acreage owned by the city of Los Angeles and small private holdings would not be acquired by the federal government under the legislation although provision is made for the voluntary exchange or donation of land by the city. Private property, of which there is very little, could only be acquired with the consent of the owner unless some new activity threatens the Scenic Area. Existing land uses will not be considered a threat.

Existing Activities

Any individuals holding grazing permits within the Scenic Area boundaries may continue to exercise and renew these permits. No new grazing permits will be authorized. Mineral rights within the area which exist on the date of the bill's enactment will be protected.

Questions and Answers

The Mono Basin National Forest Scenic Area H.R. 1341

Q. Why should the lands around Mono Lake in the Eastern Sierra of California be designated a national Scenic Area?

A. Mono Lake's dramatic islands, sweeping shorelines, spectacular volcanoes, and delicate limestone tufa formations comprise one of America's most extraordinary natural treasures, possessing outstanding ecological, scientific, recreational and scenic values. The lake, an ancient saline body of water twice the size of San Francisco, is cradled by 13,000-foot snow-clad peaks and recently active volcanoes. No other region of comparable size equals Mono's geological diversity. The national Scenic Area would protect unique, extremely unusual, and classic landforms that are an integral part of America's natural heritage.

Q. Who says Mono Basin merits national designation?

A. Study after study has praised the stature of the lands surrounding Mono Lake. The inventory of Natural Landmarks of the Great Basin, compiled by the National Park Service, gives Mono Lake a top priority. The federal Bureau of Land Management and Forest Service have assigned Class A quality rating to the basin's scenic values.

Q. How much land will be protected?

A. The Scenic Area will contain about 57,000 acres and will include Mono Lake's islands, shores, most of the Mono Craters, and part of the Sierra escarpment.

Q. What are the acquisition costs?

A. None. The vast majority of the lands within the proposed Scenic Area boundaries are already in federal ownership. The legislation specifically provides that lands owned by the city of Los Angeles and private landowners will not be acquired except by voluntary donation or trade, or unless private land uses change and threaten the integrity of the Scenic Area.

Q. What is the purpose of the study authorized by the legislation?

A. Wildlife research is urgently needed to determine whether diversions of Mono's tributary streams are causing widespread disruption of the lake's ecosystem. The proposed study will help identify the water level needed to sustain wildlife population at the lake. An interagency task force recommended such research in 1979 but lacked authority to initiate the study.

Q. Would the national designation interfere with the existing water rights or aqueduct operations of the city of Los Angeles?

A. No. The legislation specifically states: "Nothing in this Act shall be construed to reserve any water for purposes of the Scenic Area or to affirm, deny or otherwise affect the present (or prospective) water rights of any person, or the State of California or any political subdivision thereof, including the city of Los Angeles." Passage of the legislation is supported by the city of Los Angeles.

Q. If creating a national Scenic Area around Mono Lake will not restrict diversions, how will it help preserve this environmentally sensitive area?

A. Without integrated management, the recent dramatic increase in visitation to the Mono area will adversely impact the lake and the surrounding lands. The legislation offers the Forest Service an opportunity to plan and implement measures that will protect the natural and cultural values found within the entire basin. In addition, the study directed by the bill will give the public and decision makers some of the technical and scientific information necessary to devise an equitable solution to the Mono Lake problem.

The Lake

AGE

At least one million years old. One of the oldest continuously existing lakes in North America.

SIZE

Area
1941: 86 square miles 13 × 9 miles
1982: 60 square miles 12 × 8 miles

Volume
1941: 4,200,000 acre feet
1982: 2,200,000 acre feet

WATER

Primary water sources: Runoff from Sierra in Mill, Lee Vining, Walker, Parker and Rush Creeks, and groundwater springs.

Contents: Sodium Chloride, Sodium Carbonate, Sodium Sulfate (a chloro-carbonate-sulfate "triple water" lake)

Salinity (% of dissolved solids):
1940: 5.2%
1982: 9.5%

pH 10

BIOLOGY

Primary lake life: algae, brine shrimp and brine flies

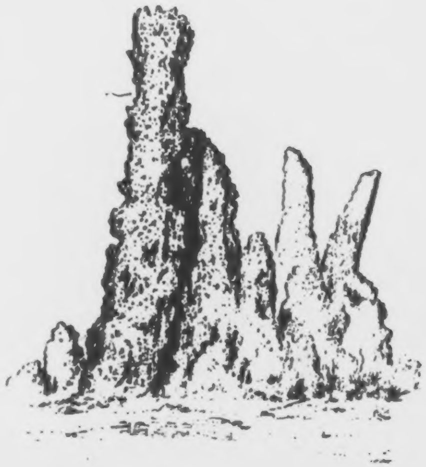
Nesting birds: California Gulls (50,000)
Migratory species: Wilson's Phalaropes (150,000), Northern Phalaropes (50,000), Eared Grebes (1,000,000) and 79 other waterbird species.

GEOLOGY

Mono Basin: Tectonic basin formed by faulting and downwarping of earth's crust. One to three million years old.

Volcanism: Chain of 30 domes of explosive rhyolite (75% silica) erupting continuously during last 40,000 years, as recently as 640 years ago. Negit Island, Paoha Island and Black Point also of volcanic origin.

Sierra: Rising one thousand feet every million years.



THE MONO LAKE ISSUE

Background Statement

WHAT IS AT STAKE?

Mono Lake, one of the world's most ancient bodies of water, is an extraordinary natural treasure, with its dramatic islands, sweeping shorelines, recently active volcanoes and limestone tufa towers. Located in California, east of Yosemite National Park, the spectacular beauty of Mono Lake attracts visitors from around the world. Mono's tufa formations and landscapes have been featured worldwide in print and on film.

WHY MONO IS THREATENED

The city of Los Angeles is diverting four of the five streams that feed the lake. In 1941, the first Mono water flowed to the city following completion of the aqueduct extension from Owens Valley to the Mono Basin. After the construction of a second aqueduct tube, diversions increased by 50% to an average of 100,000 acre feet during the 1970s. In 41 years, Mono Lake dropped nearly 46 vertical feet, its volume halved, its salinity doubled and its shorelines choked with alkali dust from 17,000 acres of exposed lakebottom. (Abundant snowfall the past two years has brought the lake level up nearly 10 feet, or about where it was in 1975.)

THE CONSEQUENCES

These developments first caused visible disruptions in 1978 when Negit Island was connected to the mainland. In 1979, predators invaded the nesting area of the California Gull. In the Spring of 1981 came the first biological indications of serious problems in the lake's ecosystem. The Spring hatch of brine shrimp fell by 90%. The paucity of shrimp contributed to the starvation of 25,000 gull chicks. Unrestricted diversions from Mono's tributary streams are ultimately responsible for many of the dramatic changes. For centuries, brine shrimp, brine flies, algae and birds have thrived in the saline waters of Mono, making it one of the most life-productive bodies of water on earth. Beyond a certain salinity, however, the lake will die, becoming a sterile chemical sump.

WHAT IS BEING DONE?

Public awareness of the destruction of Mono Lake began increasing in the mid-1970s. A lawsuit was filed, the California Legislature was asked to intervene and an interagency task force deliberated on the alternatives. In 1979, the task force recommended a compromise solution, calling for a reduction in diversions to allow the lake to return to 1970 levels and restoring Negit as an island. The Los Angeles Department of Water and Power refused to accept the compromise. Meanwhile, the lawsuit has moved forward.

THE CALIFORNIA SUPREME COURT ISSUES LANDMARK OPINION

On February 17, 1983, the California Supreme Court, in a landmark opinion, ruled that a balance must be considered between the water rights of the city of Los Angeles and the public interest in the ecological, recreational, scenic and other values of the lake. Determination of the proper balance in the division of Mono Basin water is now pending before the U.S. District Court in Sacramento.

LEGISLATIVE EFFORTS CONTINUE

Legislative efforts to protect Mono Lake include a proposal to designate the lands surrounding the lake as a national scenic area. The measure, sponsored by Congressman Richard Lehman of California, won House approval on July 18, 1983 after receiving a field hearing in Lee Vining, where the lake is located, and a hearing in Washington D.C. In the Senate the measure is supported by both California Senators Wilson and Cranston. In addition, it is supported by California Governor George Deukmejian, the City of Los Angeles and a broad coalition of environmental groups.

Current Developments at Mono Lake

May 15, 1984

NATURE BOOSTS LAKE LEVEL

Mono Lake was given a reprieve by three winters of heavy snowpack in the Eastern Sierra. The lake elevation had dropped 46 feet between 1941 and 1982 because of unrestricted diversions from the lake's tributary streams by the Los Angeles Department of Water and Power. However, with aquaducts and reservoirs filled to capacity by the tremendous runoff, the DWP had been forced to allow excess water to replenish Mono Lake. As a result, the lake rose over eight feet between September, 1982 and March, 1984.

In April of this year, DWP resumed its diversions. Once again the lake's ecosystem will be threatened by the gradual decline of its water level and the associated rise in salinity.

WILDLIFE APPEARS REVITALIZED

As Mono Lake rose, its salinity returned to levels reported in the mid-1970s and wildlife populations appeared to recover. The 1983 spring brine shrimp numbers were 50% higher than in 1981-82, and preliminary indications are that, in 1984, the numbers are continuing to climb. Negit Island, which became connected to the mainland in 1978, now has 5 feet of water covering the landbridge. In 1983, the California Gull did not return to Negit, a traditional nesting spot, but the islets of Twain and Java supported gull chicks in 1983 after being abandoned in 1982. The 1983 annual census of Mono's California Gull colonies revealed an increased number of gull chicks, three times greater than the 1982 total. Scientists reported a good survival rate for the birds.

SUPREME COURT DECISION PREVAILS OVER CHALLENGES

The California Supreme Court ruled on February 17, 1983 that the public trust doctrine applies to Mono Lake. The high court's opinion means that a balance must be considered between the water rights of Los Angeles and the environmental, esthetic and recreational values of Mono Lake. This ruling was permitted to stand by the U.S. Supreme Court, which declined to hear an appeal made last by the Los Angeles Department of Water and Power. The case is now pending in U.S. District Court in Sacramento where a determination of the proper balance will be made.

LEGISLATIVE ACTION MOVES FORWARD

Legislation to protect the lands around Mono Lake as a national scenic area won approval in 1983, from the U.S. House of Representatives. Sponsored by Congressman Richard Lehman of California, the House bill has 83 co-sponsors, including Congressman Norman Shumway who first introduced federal legislation on Mono Lake in the previous Congress. The measure is supported by Senators Pete Wilson and Alan Cranston of California, Governor George Deukmejian of California and the City of Los Angeles as well as a broad coalition of environmental groups.

INTERNATIONAL ATTENTION BOOSTS VISITATION

International attention to the plight of Mono Lake has created a phenomenal increase in visitation. State park officials estimated 120,000 people visited the newly established South Tufa State Reserve in 1983. More people are expected to come to Mono Lake as the result of international television coverage and articles in such major magazines as *Sports Illustrated*, *National Geographic*, *Life*, *Smithsonian*, *Sunset* and *Audubon* as well as publications abroad.

SPRING CONFERENCE FOCUSED ON MONO DISPUTE

In late March the Mono Lake Committee and the Los Angeles Department of Water and Power were sponsors of a UCLA conference on Mono Lake. Over 150 participants from regional, state and federal agencies as well as private organizations explored how the dispute might be resolved. As a result of this conference, the Mono Lake Committee and DWP agreed to meet and continue discussions.

Senator **WALLOP**. Thank you, Mr. Gaines. I don't think that—well, it is two different sets of recommendations from the Department of Agriculture, one being the geothermal resource.

I can understand what you are saying there. The other one was not objecting to the concept of these things but mandating them within the timeframe that is there. That does in fact--we have heard a lot of other things that are equally near the heart of a lot of other people around the country, and so I would just tell you that we will look at the recommendations of authorizing them but not mandating them. I don't know that that is where we will come down, but there is no point in my trying to tell you what we would be considering.

I have no trouble at all, being something of a water fanatic myself, with if the city of Los Angeles endorses this legislation. It goes far beyond the legislation that is here in terms of precedent, and I think it is good.

I appreciate your traveling this distance to let us know of your support.

Ms. **LAWRENCE**. Thank you.

Senator **WALLOP**. The next panel is on S. 1218 and H.R. 2645, consisting of Robert Kerr, chairman of the Chattahoochee River Coalition; Lonice Barrett, executive assistant to the Commissioner of Natural Resources for the State of Georgia, and executive director Harry West of the Atlanta Regional Commission.

Mr. Kerr.

STATEMENT OF G. ROBERT KERR, CHAIRMAN, CHATTAHOOCHEE RIVER COALITION, ATLANTA, GA

Mr. **KERR**. Thank you, sir. Senator, it is a pleasure for me to speak to you representing the Chattahoochee River Coalition.

My original purpose was to try to set the stage for what has occurred and what we are attempting to achieve in this legislation, but I think that has been done sufficiently well by the distinguished legislator from the State of Georgia, so with your permission I am going to deviate from my prepared remarks and make a couple of comments on the question that you have raised about the problem of this taking without compensation.

I share those concerns with you and the Coalition that I represent also shares those concerns. As a result of that, we have worked with homeowners associations, local homeowners, representatives of developers and so forth, trying to achieve the type of limited condemnation that we might work into the law.

In the House we did drop that out, and that was agreed to by the homeowners. We have always supported a willing buyer, willing seller concept on this park, and as a result of that, there is no such thing as a no-man's land of ownership due to this cloud if you will over the title. We expect cooperation from the local governments in zoning matters and in attempting to achieve the purposes of the park, but we do not expect them to deny ad infinitum the requests of the landowners for sale or development.

If I may, I will go to this map and show you four areas that are in red that we are taking out of the boundaries and the reason for it. This area right here, sir, on the map, an area right here on the map, and this area right here on the map are all being taken out because they are presently underdeveloped even though they are in the authorized boundaries of 1978 legislation.

This area right here is being taken out because the landowner has cleared his property. He has actually cut the trees down. We have not protested that, nor would we protest that type of thing in the future if the Park Service failed to exercise the right to buy due to lack of funds or what have you. I would like for that to be in the record.

There is another area I would like to point out to you as well. This property here is called Brandon Hall Ravine. Brandon Hall Ravine is a beautiful gorge. It contains plant species that are found normally only in the mountains of western North Carolina. They are there as a result of flooding that occurred prior to the dams we put on the river.

The developer has started the process of getting permission to build under the Metropolitan River Protection Act. We are working with that developer not to prevent his building, but to enter into a cooperative arrangement where we can protect that gorge. He has cooperated with us by designing it so that he can donate that portion of the gorge that is valuable to the Park Service or to the Conservancy or some other agency so it can be managed for those purposes, and that is the kind of cooperative effort that we are trying to achieve on the Chattahoochee River.

The Park Service talks about cooperation, cooperative management. As it has been pointed out, we have spent over 2 years trying to develop a Park Service acquisition program that would protect the most critical areas but would not infringe on this if you will ceiling to any great extent, and in so doing we have identified 7,328 acres, less than one-third of the value of this resource, that needs to be protected. We have entered into a cooperative arrangement called the Metropolitan River Protection Act. The Park Service has reciprocal agreements with local governments. Everyone in fact is trying to protect this resource with whatever resources they have available to them.

The debate is not whether there ought to be cooperative management. The debate is what is the role of the Federal presence there. We think we have identified that 7,328 acres is a proper role for them.

Thank you, sir, I will be happy to answer your questions.

[The prepared statement of Mr. Kerr follows:]

STATEMENT BY
G. ROBERT KERR
CHAIRMAN
THE CHATTAHOOCHEE RIVER COALITION
EXECUTIVE DIRECTOR
THE GEORGIA CONSERVANCY

MAY 16, 1984

TO THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
SENATOR MALCOLM WALLOP, CHAIRMAN

HEARING ON H.R. 2645 and S. 1218

MR. CHAIRMAN, DISTINGUISHED MEMBERS:

It is a pleasure for us to appear before you in this hearing on proposed amendments to legislation authorizing the Chattahoochee River National Recreation Area.

This is the culmination of a long and difficult effort on behalf of a truly magnificent resource and on behalf of the people from all over the country who use and appreciate it. This hearing is the culmination because we have now done all we can. The future of this National Recreation Area is now yours to determine. Yours and the National Park Service's in how they implement your mandate to them.

The effort was long and difficult as it should be, for no resource should become a part of the the tradition of lands managed by the National Park Service lightly or on a whim. I'm happy to say the Chattahoochee did not enter the system without the proper consideration of its values.

The first step was taken when Congress interpreted the needs of the people and wisely decided that a land resource did not have to be as vast, as remote, or as awesome as a Yellowstone or Yosemite to be worthy of protection.

In 1978, it was determined by the Congress that the 48 mile stretch of river corridor between Lake Lanier and Atlanta met the majority of criteria for National Park status and certainly qualifed for inclusion as a Natinal Recreation Area.

Of course, many members of local government, state government and the private sector had previously recognized the quality of this resource and had moved to enact state legislation to decrease the potential of unrestrained development. Those groups acting in harmony concurrently began to acquire lands for public ownership. These steps were the beginning of the cooperative effort that is essential to the wise management and protection of this river resource; one in which the National Park Service should be a full partner.

More recently, legislation protecting this corridor was strengthened by the Georgia General Assembly. As a result, the river corridor, the string holding these pearls together in a synergism of resource protection is less likely to be broken or to tarnish the pearls.

That is not to imply that these areas are not threatened. They are. Developers already own many of these properties, and while they are willing to be patient and reasonable, they cannot wait forever. The dollar investment they have made impacts cash flow. Therefore, Congress must act rapidly. Unfortunately, the effort to consumate the will of Congress has been made more difficult perhaps than it should have been. Congress recognized that professional guidance would be needed in order to make adjustments to the original 1978 Chattahoochee River National Recreation Area legislation, so the bill contained language that mandated the National Park Service to ". . . return to Congress by August, 1981 with a general management plan." A plan which would indicate ". . . lands and interest in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area--the estimated cost of acquisition and the recommended public acquisition agency."

The professionals, the Chattahoochee River National Recreation Area managers and planners took that mandate seriously and developed a draft general management plan which they brought to Washington to the National Park Service Director. That draft proposal identified 12,000 acres worthy of fee simple acquisition and 3,400 acres for cooperative management. They were sent back to Atlanta with instructions to stay within the original ceiling of 6,300 acres.

The National Park Service has elected to wait for further direction from Congress. This has created confusion among local governments, among landowners, and among developers as to what the role of the federal government will be.

The National Park Service talks about cooperative effort. We think it exists. Some examples: stronger state legislation; the donation of private and public lands to the National Recreation Area, over 600 acres; the counties and local municipalities trying to resist zoning changes in identified National Recreation Area parcels that are unacquired; the Georgia Conservancy easements program; the Chattahoochee River foundation has been formed to solicit private funding, etc.

Perhaps the most telling effort is in the hundreds of man hours donated to the effort to produce a proposal; a private sector general management plan. In the absence of leadership by the National Park Service, a coalition of thirteen organizations was formed to prepare a recommendation to Congress: one that assessed the corridor and its values; one that recognized the need for cooperative management; one that recognized the competition for acquisition dollars; one that encouraged citizen involvement; one that maximized a mix of river and land based recreational, scenic, natural, educational, cultural, and water quality opportunities and values; one that offers opportunities for active enjoyment or the pleasures that comes from solitude.

This near urban area river corridor offers these marvelous opportunities. Our proposal also recognizes and imposes reasonable constraints.

1) The proposed amendments would round out the National Recreation Area at 7,328 acres to meet the congressional mandate I mentioned. We are not asking Congress to authorize the optimum 15,000 plus acres identified by the National Park Service.

2) We have asked for an appropriation ceiling consistent with the modest increase in acreage. We fully realize that it will take other sources,such as land exchanges and donated easements, plus the funds contained in the requested authorization to achieve the acreage goal.

3) We are asking that you give further recognition to the quality of this 48 miles by designating it as an area of special national significance. This will give additional credibility to local legislative efforts to control the impacts of development.

4) We are suggesting an advisory committee be assembled that represents the full mix of users and managers of the corridor.

5) We have established mitigation mechanisms in the event these lands are impacted by projects that are in the public interest.

Those are the most significant provisions contained in the amendments.

What perhaps is most significant is that these proposals have become possible because of the extensive coordination and communication with state and local governments, homeowner associations, developer groups and user organizations, and with the Senators and Congressmen of the Georgia delegation. We also kept the National Park Service apprised of our efforts and received some guidance from them.

Because of those extensive efforts, unanimity has been achieved. With the possible exception of the National Park Service, we are all fully in agreement and ask you to support the legislative initiative of the Georgia delegation. That support will send clear signals as to the will and intent of Congress and will bring the National Park Service back on board as a partner in the protection of the resource. Of the thousands of acres within the 48-mile corridor, we are only asking for federal acquisition of 7,328 acres, less than one-third. Therefore, we think we have identified a fair and proper role for a federal presence. We hope you, upon examination and reflection, will agree.

If any of us can be of assistance to you, the committee or your staff, please call on us at any time.

Thank you for your consideration.

Senator Wallop. Thank you, Mr. Kerr.
Mr. Barrett.

STATEMENT OF LONICE BARRETT, EXECUTIVE ASSISTANT TO THE COMMISSIONER OF NATURAL RESOURCES, STATE OF GEORGIA, ACCOMPANIED BY CHRIS WHITE, CHIEF OF WATER RESOURCES, DEPARTMENT OF NATURAL RESOURCES, STATE OF GEORGIA

Mr. Barrett. Thank you, Mr. Chairman. My name is Lonice Barrett, and I am the executive assistant to the commissioner of the Georgia Department of Natural Resources, and I am here today representing the Governor, Joe Frank Harris, as well as the commissioner, Leonard Ledbetter in the State of Georgia.

We wish to express to you our appreciation for the opportunity to appear before this committee. With me is Chris White who is chief of water resources for the State Department of Natural Resources, and he will assist in answering any questions that you or anyone might have.

I have submitted written testimony for the record, and in view of the very fine presentation that has already been given by those speaking on behalf of this bill before us, I would just limit my comments to some brief oral comments.

We fully support the concept of S. 1281 and H.R. 2645 as amended. We have provided the staffs of Senator Nunn and Senator Mattingly with some very carefully coordinated word changes that we feel like could be added during the committee markup within this legislation to help effect it.

On behalf of Gov. Joe Frank Harris, we wish to commend Senator Nunn and Senator Mattingly for requesting this hearing and for their support of this legislation in the Senate, and to Representative Levitas and the sponsoring members of the Georgia House delegation for passing the House version of the bill.

Early in his administration, Governor Harris advised members of the Georgia congressional delegation of his support and enthusiasm for this important legislation and offered the assistance of the State of Georgia in helping to coordinate this bill from various local governments and conservation interests.

The Governor directed the Department of Natural Resources to work closely with the congressional delegation, with local governments, and conservation interests, to ensure that a balanced approach be pursued which would emphasize both the natural beauty and the recreation value of the river resource as well as the importance of the water supply that it provides for fully one-third of our State population.

As you have already heard, there has been strong State, local and private efforts generated toward planning and utilizing this resource. It began back in the early sixties. The State of Georgia acquired 685 acres of land at a cost of $6 million, and subsequently transferred these to the National Park Service in 1982. At that time, those lands were valued in excess of $30 million. Our State legislators, our Department of Natural Resources, the Governor has taken strong action to pass the necessary legislation such as the Metropolitan River Protection Act which mandated review of all proposed land and water use changes within the corridor.

The law was strengthened this past year, and we upgraded the standards and ensured stronger enforcement. In 1983 we granted concurrent jurisdiction for the enforcement of criminal statutes to the National Park Service, so I, too, would like to maintain that we have a strong partnership already in place with the National Park Service.

As you have already heard, we are in the midst of a major metropolitan area experiencing phenomenal pressure of growth and it is absolutely essential that these lands that need to be exchanged or acquired be acquired while they are still there to be able to acquire.

The State fully supports this legislation. We are standing before you today as our total united effort among the Georgia interests—the Atlanta Regional Commission, the Governor's office, the Department of Natural Resources and local governments—recommending to you that this balanced approach for all of the river uses as being an effective and efficient means. It is so critical to protecting this outstanding resource.

We ask Congress to fulfill the objectives of the 1978 legislation authorizing the Chattahoochee River National Recreation Area, and I, too, on behalf of Gov. Joe Frank Harris would like to take this opportunity to thank you for your time in hearing our comments on this bill.

Thank you, sir.

[The prepared statement of Mr. Barrett follows:]

TESTIMONY
OF THE
STATE OF GEORGIA

BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

MAY 17, 1984

Mr. Chairman, my name is Lonice Barrett, Executive Assistant to the Commissioner of the Georgia Department of Natural Resources, and I am appearing before the Subcommittee on behalf of Governor Joe Frank Harris and Commissioner Leonard Ledbetter. The State of Georgia supports the intent of S 1218, a Bill to reauthorize the Chattahoochee River National Recreation Area, and the companion Bill, HR 2645, as amended.

In correspondence to the Georgia delegation dated May 9, 1983, soon after legislation had been introduced, Governor Harris advised the Georgia Congressional delegation of his support for this important legislation. He further directed the Department of Natural Resources to take a leadership role in bringing local interests together to insure that a coordinated and representative local effort supports the Georgia delegation in its work on this legislation. Our appearance here today is part of that united effort by the State of Georgia, the Atlanta Regional Commission, the Chattahoochee River Coalition (an umbrella group representing environmental interest groups), and local governments. Furthermore, we are hopeful that the Senate will complete action on the legislation this year in what appears to be an abbreviated session. Increasingly, time is of the essence, and the congressional mandate to complete acquisition within the Chattahoochee River National Recreation Area needs to be reviewed, if not updated. We appreciate the efforts of Senators Nunn and Mattingly in requesting this hearing which is an important first step in the process of Senate approval of this legislation.

The importance of the Chattahoochee River to both the Greater Atlanta Area and the State of Georgia cannot be over emphasized. It is a resource that cannot be ignored, risking the danger of abuse which would be detrimental to present and future generations. It is essential that a balanced approach to managing the Chattahoochee River be developed. The River's value lies in the recreational opportunities offered to the nation and in its use as the primary water supply for the Atanta region with over one-third of Georgia's citizens. It must be protected for both uses in quantity of flow and in the quality of the water.

The issues involving the Chattahoochee River have frequently required, and in fact, demanded the attention of the State of Georgia. We have grown to realize that there are no quick fixes involved in managing such a dynamic resource. The situation and the problems are constantly changing as physical development in the Chattahoochee River corridor occurs.

Concern for protecting the resource values of the Chattahoochee River corridor began in the late 1960's in conjunction with the recognition of the need to increase recreation opportunities closer to our urban areas. From that emphasis, the Bureau of Outdoor Recreation developed its "Parks for the People Program" which included the Chattahochee River for study. A 1971 draft report recommended federal acquisition within the 48 mile corridor to provide protection of the natural, historic, and recreation values while simultaneously allowing the River to be available for water supply. Whenever the resource values of the Chattahoochee River have been studied, the unquestioned conclusion has been to recommend the means to provide the management tools to protect these values. Acquisition of critical areas has been one of the most important management tools available, finally resulting in the 1978 legislation authorizing the Chattahoochee National Recreation Area.

Concurrent with the studies of the recreation value of the river, Congress funded a Corps of Engineers study of Atlanta's water supply. This study was carried out in concert with the State, the Environmental Protection Agency, the Atlanta Regional Commission and the Georgia Mountains Area Planning and Development Commission. The results of that study became available in 1981 and we look forward toward their authorization. Having the results of the water supply study and the plan for the park provides the basis for the balance in management of the river that the State is seeking for this resource.

We are asking Congress to fulfill the objectives of the 1978 legislation, establishing the Chattahoochee River National Recreation Area which was intended to preserve the scenic, recreational, natural and historic values of the 48 mile corridor from Lake Sidney Lanier to Standing Peachtree Creek. While progress has been made toward this goal, the current 3,500 acres does not represent a viable park.

Let me briefly update the Subcommittee on the long and continuing interest and involvement on the part of the State of Georgia, both in the National Recreation Area and in managing the resource. Members of congress visited the river back in 1975 when the original authorization was under consideration. Former Governor Busbee, his Executive Secretary, and our former Commissioner Joe Tanner have all testified at various times before the Senate or House Committees reviewing the legislation. The Georgia Department of Natural Resources was intimately involved in drafting the final language of PL 95-344.

The State was one of the first entities to recognize the recreation potential of the river corridor. This commitment by the State was demonstrated when we acquired 372 acres of park lands in the Palisades area of the river in 1972. As the State looked at the potential of the corridor for recreation and protection of the natural and historic values, it quickly became apparent that for the river to reach its fullest potential the federal government needed to be more directly involved. The State eventually acquired over 685 acres of land at a cost of $6 million which had a market value in excess of $30 million when it was transferred to the National Park Service two years ago.

The State's interest in the river corridor has been further demonstrated in other ways as it became necessary to protect the water quality in the corridor. During the 1973 Session of the General Assembly, the Metropolitan River Protection Act was approved, which mandated local and Atlanta Regional Commission review of all proposed changes in land and water use within the river corridor.

Soon after Governor Harris took his oath of office in January of 1983, he requested that amendments be prepared to strengthen the

Metropolitan River Protection Act. This law, with the support of Governor Harris, was amended by the 1983 Session of the General Assembly to upgrade the standards and insure their stronger enforcement. The 1983 Amendments demonstrate, as much as anything, the State's continuing concern for this corridor.

The State has also sought to cooperate with the National Park Service in federal management of the National Recreation Area. For example, the National Park Service requested that concurrent jurisdiction for enforcement of criminal statutes be granted to improve law enforcement efforts by federal rangers within the National Recreation Area. The necessary enabling legislation was passed by the General Assembly, and the documents allowing concurrent jurisdiction were executed between the State and the National Park Service.

S 1218 and HR 2645 seek to address the question of the future of the Chattahoochee River National Recreation Area. The main problem confronting us is that the funds authorized by the 1978 Act are nearly depleted with only 3,500 acres of the scheduled 6,300 acres having been acquired. The proposed legislation would raise the authorization to $84,600,000 from $72,900,000. Acquisition of approximately 7,300 acres, an additional 1,000 acres, would occur through a series of land exchanges, resulting in an expansion of some areas and adding new areas.

During the past several years, as part of their planning process leading to a General Management Plan, the National Park Service has extensively studied the resources in the Chattahoochee River corridor. Using this information, a new map indicating new acquisition boundaries is proposed which further improves the value of the National Recreation Area. On lands indicated by this map, it will be possible to provide improved river access, develop additional foot trails, and protect important botanical features. The proposed legislation requests authority to exchange some of the land already acquired for more valuable tracts. These exchange lands should be deleted from the park since they have a lower resource value or priority than other lands identified for acquisition. This is also part of an effort to keep a reasonable lid on the amount of acreage to be acquired. These land exchanges are expected to help offset the cost for acquiring the additional acres.

The legislation addresses other important concerns. It would create an Advisory Commission and would require limited mitigation for the loss of park lands within the National Recreation Area resulting from the construction of any water supply project or other project which has an adverse effect on the river corridor.

Governor Harris has strong concerns for the Chattahoochee River and has requested Commissioner Ledbetter to work with the Georgia delegation and with local governmental interests to insure that the language in the legislation meets the objectives of all. We have coordinated closely with the Atlanta Regional Commission, the Chattahoochee River Coalition and local officials and believe that all parties are in general agreement on any changes. The State of Georgia believes that everyone, sensing the importance of protecting the river, has worked in a spirit of cooperation and harmony to further perfect the language. Governor Harris has expressed appreciation for the way public and private interests have joined efforts to protect the river. He has requested Senators Nunn and Mattingly to work with the Subcommittee to perfect the language of the Bill as passed by the House to assure protection of the opportunity for the balanced approach to use of the river that I mentioned earlier. This language must assure harmony of the National Recreation Area and the opportunity for development of the water resource to serve the needs of the State.

As we work toward optimum use of this resource we continue to rely on a cooperative effort of the local, state, and Federal government and interested citizen groups. The State of Georgia recommends a balanced approach where the river's value for recreation, for water supply, and for water quality protection are mutually supportive in a cost effective manner.

We urge the Subcommittee to take favorable action on legislation as soon as possible. Testifying before Congress in 1976, the State of Georgia asked for, and eventually received, a commitment from the federal government toward creation of the Chattahoochee River National Recreation Area. Today, on behalf of Governor Joe Frank Harris, we are asking for a recommitment and for a reaffirmation, that allow that original dream to become a reality.

Senator WALLOP. Thank you, Mr. Barrett.
Mr. West.

STATEMENT OF HARRY WEST, EXECUTIVE DIRECTOR, ATLANTA REGIONAL COMMISSION, ATLANTA, GA

Mr. WEST. Thank you, Mr. Chairman, for the opportunity to speak this morning in support of an improved Chattahoochee River National Recreation Area as proposed in Senate 1218.

My name is Harry West, and I am executive director of the Atlanta Regional Commission, or ARC. ARC is the planning agency for the seven-county Atlanta region.

Our planning area encompasses over 2,000 square miles and has approximately one third of the State's population. The agency was established by local governments pursuant to State law in 1971 to act as a forum to gain consensus on regional issues which affect local governments.

ARC is charged with the responsibility for planning in the areas of transportation, land use, parks and recreation, water supply, waste water management, human services and programs for the elderly. By law, the commission includes the county commission chairman and a mayor from each of our seven counties, the mayor and one councilman from the city of Atlanta, and 15 citizen members.

Of the many planning responsibilities of ARC, none is more important than assuring an adequate water supply in the future. In this regard, one of the first official actions of ARC in late 1971 was to set in motion a study of 48 miles of the Chattahoochee River between Buford Dam and Peachtree Creek, for it was clear that as the urbanized area reached and crossed the river, conflicts would only increase between the pressures for private development and the various public uses of the river such as water supply withdrawals, receiving treated waste water, fishing, rafting, canoeing, power generation and downstream navigation.

The landmark Chattahoochee corridor study brought forth a development plan for the Chattahoochee corridor. This development plan included minimum standards for any proposed development in the corridor. It also proposed specific areas within the corridor to be acquired for public access and use. These areas as modified became the areas that you and your congressional colleagues authorized for inclusion in the Chattahoochee River National Recreation Area when it was established in 1978.

The commission supported that legislation and testified in favor of it a number of times during the years before its passage.

In the meantime, the State of Georgia, the citizens of the region, local governments, and ARC have not been idle in their efforts to protect the corridor. The year after ARC completed its study, the Georgia General Assembly passed the Metropolitan River Protection Act which mandates a plan for the river corridor and requires that local governments and ARC review development proposals for their consistency with the plan.

More recently, with the support of Gov. Joe Frank Harris, the Georgia General Assembly amended the Metropolitan River Protection Act in March, 1983, to strengthen it, especially in terms of enforcement. These amendments were based on recommendations by a task force made up of environmentalists, developers and builders, landowners and local, State and Federal officials. In June of 1983, the commission approved changes in the plan also based on those task force recommendations. We believe those changes provide for improved protection for the river corridor.

In addition to the corridor legislation, the State has acquired land to protect the river and its values. Almost 500 acres were purchased and later transferred in title to the National Park Service.

Another effort aimed at protecting the Chattahoochee River and all the region's water resources is the Metropolitan Atlanta water resources management study. For over 10 years, we worked with the Corps of Engineers and the State and others to develop plans for water quality management and water supply. This has been a successful example of intergovernmental cooperation aimed at helping the Atlanta region meet all its long-term needs.

The river is vital to this effort as it supplies water to 80 percent of the Atlanta region and one-third of Georgia's population. The Chattahoochee River National Recreation Area is also an indispensable part of joint efforts to protect the corridor. ARC has supported these efforts as I have described. We have continued to support the concept of a viable, adequate national recreation area which is the concept contained in Senate 1218.

The House-passed version of this legislation, H.R. 2645, and Senate 1218 as introduced, dated May 5, 1983, included language on mitigation costs which was of concern to ARC and local governments. Following considerable discussion among the concerned parties in Georgia, new language is proposed which we believe will satisfy all interests. Basically a cost ceiling is requested for mitigation of parklands that is acceptable to State and local interests. Representatives of the State of Georgia have submitted a copy of the specific language to the committee staff for your consideration as well as to the offices of Senators Nunn and Mattingly.

In closing, I would like to thank you again for the opportunity to present the Atlanta Regional Commission's views. Let me again say that we support the proposed legislation and urge its quick passage.

[The prepared statement of Mr. West follows:]

TESTIMONY
OF
HARRY WEST
EXECUTIVE DIRECTOR
ATLANTA REGIONAL COMMISSION
ATLANTA, GEORGIA

BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
OF THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
MAY 17, 1984
WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to speak to you in support of an improved Chattahoochee River National Recreation Area, as proposed in S. 1218.

My name is Harry West. I am Executive Director of the Atlanta Regional Commission, or ARC.

ARC is the planning agency for the seven-county Atlanta Region. Our planning area encompasses over 2,000 square miles and has approximately one-third of the state's population. ARC was established by local governments pursuant to State law in 1971 to act as a forum to gain consensus on regional issues which affect many local governments. ARC is charged with the responsibility for planning in the areas of transportation, land use, parks and recreation, water supply, wastewater management, human services and aging. By law the Commission includes the county commission chairman and a mayor from each of our seven counties; the Mayor and one councilman from the City of Atlanta; and 15 citizen members.

Of the many planning responsibilities of ARC, none is more important than assuring an adequate water supply in the future. In this regard, one of the first official actions of ARC in late 1971 was to set in motion a study of 48 miles of the Chattahoochee River between Buford Dam and Peachtree

Creek. For it was clear that as the urbanized area reached and crossed the river, conflicts would only increase between the pressures for private development and the various public uses of the river such as water supply withdrawals, receiving treated wastewater, fishing, rafting, canoeing, power generation, and downstream navigation.

This landmark Chattahoochee Corridor Study brought forth a development plan for the Chattahoochee Corridor. This development plan included minimum standards for any proposed development in the Corridor. It also proposed specific areas within the Corridor to be acquired for public access and use. These areas totaled about 6,000 acres. These same areas, as modified, became the areas that you and your Congressional colleagues authorized for inclusion in the Chattahoochee River National Recreation Area when it was established in 1978. The Commission supported that legislation and testified in favor of it a number of times during the years before its passage.

In the meantime, the State of Georgia, the citizens of the Region, local governments, and ARC have not been idle in their efforts to protect the Chattahoochee Corridor. The year after ARC completed its Chattahoochee Corridor Study, the Georgia General Assembly passed the Metropolitan River Protection Act, which mandates a plan for the river corridor and requires that local governments and ARC review development proposals for their consistency with the Plan. More recently, with the support of Governor Joe Frank Harris, the Georgia General Assembly amended the Metropolitan River Protection Act in March, 1983 to strengthen it, especially in terms of enforcement. These amendments were based on recommendations by a task force made up of environmentalists, developers and builders, landowners, and local, state and Federal officials. In June, 1983 the Atlanta Regional Commission approved changes in the Chattahoochee Corridor Plan, also based on the task force recommendations. We believe the proposed changes provide for improved protection of the river corridor.

In addition to the corridor legislation, the State has acquired land in the Chattahoochee Corridor to protect the river and its values. Almost 500 acres were purchased in the critical Palisades area and another 180 acres were acquired at Island Ford and two other locations. Title to these properties has been transferred to the National Park Service to become part of the CRNRA.

Another effort aimed at protecting the Chattahoochee River and all the Region's water resources is the Metropolitan Atlanta Water Resources Management Study (MAWRS). For over ten years, ARC has worked with the Corps of Engineers and the State to develop plans for water quality management and water supply.

This has been a successful example of intergovernmental cooperation aimed at helping the Atlanta Region meet its long-term needs. The Chattahoochee River is vital to this effort, as it supplies water to 80 percent of the Atlanta Region and one-third of Georgia's population. The preferred solution to better management of the river, a small reregulation dam, is still under study.

The Chattahoochee River National Recreation Area is also an indispensable part of joint efforts to protect the Corridor. ARC has supported these efforts, as I have described. ARC supports the concept of a viable, adequate National Recreation Area, which is the concept contained in S. 1218.

The House-passed version of this legislation, H.R. 2645 and S. 1218, dated May 5, 1983, included language on mitigation costs which was of concern to ARC and local governments. Following considerable discussion among the concerned parties in Georgia, new language is proposed which we believe will satisfy all interests. Basically a cost ceiling is requested for mitigation of park land that is acceptable to State and local interests. Representatives of the State of Georgia have submitted a copy of the specific language to the Committee staff for your consideration as well as to the offices of Senators Sam Nunn and Mack Mattingly.

In closing, I would like to thank you for the opportunity to present the Atlanta Regional Commission's views. Again, let me say we support the proposed legislation and urge its quick passage after your thoughtful consideration.

I shall be glad to answer any questions.

Senator WALLOP. Thank you, Mr. West. I am concerned about my mathematics for the proposal in the bill. You are not going to come anything like close to doing this for another $12 million if the track record in the past is even modestly projectable in the future.

As I divide it, you spent nearly $19,000 on what has been acquired so far.

Mr. KERR. That's right.

Senator WALLOP. The testimony says that you want an additional $12,000—I mean $12 million for 1,000 more acres. That would appear to fall $7,000 an acre short there, but that is not 1,000 additional acres. You still have about 3,700 to acquire.

Wouldn't you agree with me that there is absolutely no way on Earth you are going to get that done for $12 million?

Mr. KERR. There are two or three factors in that. First, if you look at the map on my left, you see that most of the green acreage is on the lower side of the river there. That is the purchased land. That is the land that is closest to the developed areas of Atlanta, Cobb County and Fulton County.

Those in Orange up river are the ones that have not yet been acquired. The land values are considerably different up river from that down river. The land values very close to the city now along the river are running as high as $50,000 an acre. The land up near the upper part of the stretch of the river are running $2,000, $3,000, $5,000 an acre, so we are looking at an entirely different situation as to what hasn't been bought yet.

Second, we have built into the program an exchange of some lands that are presently in ownership in those lower areas that are worth in excess of $70,000 an acre because of their proximity to development, so by exchanging something like 190 acres we hope to acquire at roughly $50,000 to $70,000 an acre a lot of acreage at $10,000, $5,000 an acre, and obviously if we are wrong in that, then we either will be in the same problem later having bumped against the ceiling, asking Congress to reconsider, or we will have to scale down the size of the park.

Senator WALLOP. I guess that brings to mind one other thing that troubles me a lot is this is sort of a movable feast. We are authorizing something the ultimate dimensions of which we can't be sure. If you can exchange and acquire, I don't see where the Nation is getting anything that it can be certain of. I have got a general dimension of it which may or may not be its ultimate dimension assuming that the $12 million does work.

Mr. KERR. I think that is a valid point, sir. It is a point that has concerned us a great deal also in that the volatility of the area in terms of the development in terms of changing land prices and so forth versus the constraints that we felt in trying to come up with a practical and reasonable ceiling leaves us with certainly an unknown factor in what the ultimate size of the park will be.

We scaled it down from 15,250 as I recall acres that the Park Service originally identified as the optimum park to the present 7,328, and we fully recognize that ultimately it may be smaller than that, and that gives us a great deal of concern, too.

We are trying to deal with that constraint, what is a reasonable dollar amount, and once we have identified these properties, we certainly think that with the exchange program, with the cooperation of State and local agencies, that hopefully there will be a greater cooperative effort on their part as well.

Senator WALLOP. Well, I say that with the experience of a chairman who has seen land values presented to us in the past which were just grossly inadequate, I think perhaps the most obvious of which is Santa Monica which was supposed to cost what, $360 million. It is over a billion now, and the $360 million didn't begin to—Redmond I guess is the one, but the problem that we face as a committee in trying to do the right thing by you and by the rest of the people in the country is to try to give them something for what they are being asked to put forth, tax revenues, and the authority of the Federal Government, to provide them with something.

What happens is that you pass a piece of legislation like this and you create expectations and expectations is synonomous with constituency, so if the 12 million doesn't fit, the constituency hasn't gone anywhere because it doesn't fit and the obligation of the rest of the taxpayers is virtually automatically increased which is part and parcel of the problem that I have been trying to describe here today that troubles me.

I would like if any or all of you gentlemen might give us a piece of written testimony—the committee will wait on it—what you see as the realistic authority of the State, the commission, and the city in terms of trying to do it.

I want to work with you to try to get something that works, but also feel an obligation to the rest of the people in the country who are being asked to expect on the one hand that they will have a nice 48-mile long recreation area which may not turn out to be 48 miles long but rather intermittent. I am just trying to get some sense of where it will ultimately be, what you can do, where we can go with these memoranda of understanding so we can achieve something that everybody will be satisfied with.

I am a little nervous about what I have heard this morning not in terms of its value. I am persuaded of that, and I think clearly the delegation is, the Georgia Governor is, the legislature is. That is a pretty broad spectrum of support for a concept, but we have to find a way to translate that concept into something that is really and doesn't put yet another burden on the American taxpayers who continues to poke his bony fingers in my chest and say why don't you do something about this deficit?

I like the idea of a park. I will tell you that, or of a recreation area. I think all of us lapse in calling it a park, and one of the reasons why it is a movable feast is because it is not. A recreation area is somewhat more flexible, but we will see what we can do. If somewhere you could provide us with what you see as the existing authority, various governments that can bring to bear their efforts to assure this, I think we will again ask the Park Service to—I intend to ask them to look at the $12 million versus what remains to be acquired and see what their thought is. You might give some thought to that, too. It is difficult to answer it in any event very well, but I think it is difficult to answer it. If you might just sort of forward it to us, something that is not engraved in marble because I know the realities of land acquisition and sales and trade, but how you see it might come to pass.

Mr. **Kerr**. I am sure both the State and the regional commission are willing to do that. We certainly are.

Senator **Wallop**. I would appreciate it. I am not trying to be difficult. I am simply trying to find out what is the appropriate thing for us to do.

Mr. **West**. Mr. Chairman, we will attempt to put that together in one paper.

Senator **Wallop**. That will be fine. I would appreciate it, and I know the committee would, and I thank you very much for your testimony today.

The last panel is Mr. Bill Snarr of the Hampton Farms Homeowners Association, David Eldridge, president of the Friends of the River, and Allison Winter, Georgia Conservancy.

Mr. Snarr.

STATEMENT OF BILL SNARR, PRESIDENT, HAMPTON FARMS HOMEOWNERS ASSOCIATION, ATLANTA, GA

Mr. **Snarr**. Thank you, Senator Wallop. I appreciate the privilege of speaking to you all today in a strong yet qualified support of this proposed amendment.

I am coming here as Bill Snarr. I live with a family of four daughters and a wife in Hampton Farms community next to this national park. I come as a private landowner, taxpaying citizen. I don't belong to any groups except I am very proud to be a citizen of Cobb County in the State of Georgia of the United States.

I am a vice president of Robert Schaffeur Co., a mine engineer by graduation and profession, so I spent much time in your own native State, Senator Wallop, as a mining engineer.

I have just been the past president, so I am no longer involved with the direct community relationship, but I have dealt in that position the last 2½ years in a number of zonings. There is intense zoning and land activity going on in our exploding county. We are the fastest growing county in Georgia. We have over 1,000 families entering our county a month, so it is an explosion.

I believe it is imperative that we flush out this county's urban park and recreation area and afford it enough moneys to be well organized, sensitively administered, and completed according to plan along with parameters of say a more traditional national park. Here are my reasons and concurrently the reasons of a great many of my fellow homeowners for encouraging you all to act positively, and I might add expeditiously, on this proposed amendment.

One, you have heard in multitudinous references the importance of a principal water supply. In our county, it supplies somewhere between 70 and 90 percent of our water. The State of Georgia, somewhere between a quarter and a third of all the citizens of Georgia pull their water out of that river, so I won't go into that further than to say that the heavy density that is coming on us so quickly is affecting all the backwater, all the feeders, all the temporary and all the basin areas of that particular river.

Now it must really be preserved. Now we don't really want anybody to condemn land to misuse it. That land is going to be used, and there are bulldozers running right now ready to go into that land and use it and take it at fair market value, so it is far different than some other areas that have been studied in this area.

I have personally walked, traveled up and down this river from the lake down to I-285. It is one of the most beautiful rivers, finest rivers I have ever walked along, been in, and I have been in woods and everything else, but I have also been in the north. I was born and raised in the Midwest. I have seen the destruction of the former rivers of Chicago, Milwaukee, Cleveland, Pittsburgh. Now many of them are almost pseudosewers.

Having hired and moved personnel from various locations of the United States to the Atlanta area, I have found that the natural beauty of the area along with the State, its attractive attributes to the personnel, all this makes it very easy to recruit people to come into the technical businesses.

In all this, the river is an excellent attribute to that livability factor. We believe to live in counties that are running hundreds of thousands—not a few thousand— hundreds of thousands of people, we have to have a place to take off our shoes, to get away from the asphalt jungle and get back to our common sense. The river corridor offers so much in the form of natural recreation.

I have taken my family. My friends have taken their family down the river to a raft, walk, fish, jog, et cetera, and believe me, after 5 and 6 days in a concrete office building you need it to go on, and I will try to wrap it up that we have no green belt areas in our county planned for The land use plan is now in effect and it is seldom used by our county commissioner. I have personally been involved in 14 presentations in 24 months trying to resist the density of this area, many of them 4 times in relationship to this park.

A year ago this week we turned back a five-condominium attack right on the very most important part of this recreation area called Johnson's Ferry Bridge.

In concluding, the nefarious appetite of our developers is overwhelming on planning our sensible land use, and yes, our county commissioners in resistance to the use of this land.

I ask you very strongly, would you please give us the green, the water supplies and the green belt we need to sustain a very large community and to secure our future in one of the fastest growing areas of this country. We do not, however, want you to give the National Park Service a blank check. We question very severely why we have wine and liquor concessions in the park. They should not be there. This is a family park. This is where I want to go with my kids and my friends want to go with their kids. We don't need that in this park, and yet it has been there.

In conclusion, and I will give this testimony to you, I ask for sincerely your support, your consideration, and your overall expeditious approval of this request.

Thank you for your time.

Senator WALLOP. Thank you, Mr. Snarr. I am going to call the committee into recess for just a couple of minutes. I will be right back.

[Whereupon, a brief recess was taken.]

Senator WALLOP. The committee will come back to order, and I appreciate the indulgence of the witnesses, but it was an important call.

Mr. Eldridge.

STATEMENT OF DAVID ELDRIDGE, PRESIDENT, FRIENDS OF THE RIVER, ATLANTA, GA

Mr. ELDRIDGE. Mr. Chairman, I want to thank you for this opportunity to speak before you and urge your favorable position on H.R. 2645 or S. 1218 concerning the Chattahoochee River National Recreation Area.

My name is David Eldridge. I am president of Friends of the River, a citizens environmental group whose purpose and goal is the preservation and enhancement of the natural, recreational, historic and natural resource values of the Chattahoochee River.

Friends of the River is a member of the Chattahoochee River Coalition on whose behalf Bob Kerr spoke earlier. I have in the past been the chairman of and I am a current member of the Chattahoochee River Corridor Review Subcommittee of the Atlanta Regional Commission which subcommittee reviews proposed real estate developments along the Chattahoochee River. I am an attorney that represents real estate developers in the Chattahoochee corridor.

I was also a member of the Atlanta Regional Commission's task force on revisions to the Metropolitan River Protection Act, and I was a participant on the National Park Service Planning Assistance Committee that was organized several years ago. In the past, I was an employee with the Georgia Department of Natural Resources back in 1975 when Congress first started the process to create the National Chatahoochee Recreation Area.

You have heard today from the National Park Service about maintaining a park at the 3,600-acre level. The National Park Service proposal reflects a total disregard for the congressional mandate to return to Congress a general management plan describing lands adjacent or related to the recreation area which are deemed necessary or desirable for the purpose of resource protection, scenic integrity, or management and administration of the area. The National Park Service proposal also reflects a total disregard of proper planning professionalism and evidences bad faith on the part of the National Park Service officials in Washington toward Congress, the citizens of this Nation, and particularly those citizens who participated with local National Park Service planners in the original general management plan process.

Not long after Congress passed the bill creating the CRNRA in 1978, the National Park Service put together this Planning Assistance Committee, a large group of individuals representing a wide variety of interests involved with CRNRA.

The purpose of the PAC as a planning assistance committee was, as its name implies, to assist the National Park Service in planning for the development of the CRNRA and the preparation of the general management plan mandated by Congress. Early on in the planning process involving the PAC, criteria were specified for the development, including the possible enlargement of the CRNRA. Never was it discussed in such process that the limiting factor would be budgetary constraints imposed by National Park Service officials in Washington, yet that is what the National Park Service 3,600-acre proposal reflects.

It does not reflect at all the planning criteria discussed at length with PAC. I for one as a member of the Planning Assistance Committee feel that the National Park Service, at least at the official levels in Washington, have dealt in bad faith with PAC in the planning process.

The PAC worked for nearly a year with local National Park Service planners. In September of 1981, the National Park Service produced an environmental impact statement and general management plan which described as the optimum plan a recreation area of approximately 15,400 acres. Bad politics in the form of alleged economic constraints, not good planning, killed such optimum plan.

Let me suggest that the concern on the part of the National Park Service officials in Washington over economics is misplaced. The general well-being of this Nation and its citizens encompasses more than just tangible goods and services. Although not often valued in monetary terms, time for recreation is equally as valuable as work time. The intangible but no less real pleasures which we derive from our national parks are just as valuable as the tangible cars that get us there.

Let me suggest that just as the Reagan administration provides incentives and support for investment by businesses in capital goods such as plants and equipment, so it should provide incentives and support for investment in those intangible items which will serve equally to increase the general economic wellfare but on the leisure and recreation side of the economic ledger.

Investment now in parklands will reap untold amounts of desired leisure and recreation goods for current and future generations. Parklands are investment items which with care will not wear out but rather continue to appreciate and provide value through time. The investment idea is incorporated in the concept of the land and water conservation fund. As we deplete one of the Nation's natural resources—the oil and gas reserves on the Outer Continental Shelf—we should invest part of the proceeds of that depletion in the preservation of another of this Nation's natural resources—parklands, wildlife refuges, and other recreational and natural resource lands like the Chattahoochee River National Recreation Area.

Let me address a couple of matters that were raised——

Senator WALLOP. If you can summarize, Mr. Eldridge?

Mr. ELDRIDGE. I understand. You have raised the idea of a partnership process. Well, that same concept was brought up in 1978, and at that time it was agreed by the Members of Congress that the local governments and the State had put in their aspect of the partnership. They had bought nearly a thousand acres of land along the Chattahoochee River and had enacted the Metropolitan River Protection Act. The act set both the 6,300-acre limit, but provided for this planning process.

The National Park Service went through the planning process, came up with a plan of 15,400 acres, and now in coming in with 3,600 acres, the National Park Service is opting out of a partnership that was created back in 1978.

I again thank you for the opportunity to speak before you and urge you to act favorably upon S. 1218.

Senator **Wallop**. Mr. Eldridge, let me just say that it may make you feel large and courageous to come up here in front of the cameras from home and to accuse people of bad faith, but I can assure you, sir, that budgetary constraints in this world are not fakes.

I suspect that you like a lot of other Americans are complaining about the No. 1 cause of problems, high interest rates, and everything else in this country, and a budget deficit of a couple of hundred billion dollars, and for you to come up here and say that people who look at that are operating in bad faith is a disgrace. I don't care to hear a response to that. I have heard your accusation of perfectly decent people who are professionals in this world. Russ Dickenson is a man whom I greatly respect and a professional, a career professional, not a political appointee.

He has come up here, and he feels seriously about these things, and for you to accuse him and other members of the Park Service of operating in bad faith is a disgrace.

Mr. **Eldridge**. This is the forum for addressing those issues.

Senator **Wallop**. If you are going to address the issues, sir, address the issues and stop calling people names and forget about having my attention when you say that budgetary constraints are a myth. They are not.

Mr. **Eldridge**. I did not say they were a myth.

Senator **Wallop**. You did.

Mr. **Eldridge**. No, sir. I respectfully—this is the forum to address those——

Senator **Wallop**. Address the issue then, sir. I have heard your statement. I heard it accuse people who are professional and who are trying to do the best they can by way of service to their country. They are not even in the room to be accused of operating in bad faith. I reject that. I think it is unfair, and I think this is unkind. Certainly it is ungentlemanly and I don't think it does a thing for the process that we are trying to do in here which is to come to some sort of intelligent arrangement by which some of this or all of it can come to pass, and to come here and call people names does not add to the dialog. It simply generates it into some kind of kindergarten stuff, and I don't approve of it.

Ms. Winter.

STATEMENT OF ALLISON A. WINTER, GEORGIA CONSERVANCY, ATLANTA, GA

Ms. **Winter**. Mr. Chairman, I would like to thank you very much for the opportunity to testify on the Senate bill 1218 here today, and I heartily endorse the bill.

I represent the Georgia Conservancy on the Chattahoochee River Coalition and have participated in coalition activities for the past 2 years. As a concerned citizen of the State of Georgia, I feel I may speak for other concerned citizens and visitors to the State on behalf of the river.

The Georgia Conservancy has long been involved in protecting and enhancing the quality of Georgia's environment and encouraging the wise use of its natural resources.

The Chattahoochee River is one of these. In order to achieve a balance between the needs of our society, economy and natural systems, the enlargement of the Chattahoochee River National Recreation Area is mandatory. The conservancy's interest and action in this river's issues began in the 1960's and has continued strong throughout the years. The conservancy was instrumental in the acquisition of part of the Jones Bridge tract and will continue to support increasing the amount of parkland.

The quality of the Chattahoochee River affects the whole State of Georgia, and an increasing amount of parkland has a definite positive influence on the quality of the river.

Even though I am a relative newcomer to the political scene concerning the Chattahoochee River and the CRNRA, I am quite familiar with the quality of life concerning the river. I have lived along the river for 20 years and have seen many changes take place there. I grew up playing in clear creeks and forested areas. Now some of those creeks are the true color of Georgia red clay, especially after a rainfall, and the some of the forested areas are now shopping centers and apartments.

We must not allow any more of this resource to be destroyed. Every child needs to have a chance to play like Tom Sawyer, Huck Finn, and Becky Thatcher. The Chattahoochee River is such a fantastic resource because it provides that opportunity in many places for so many kids of Atlanta now. Now, yes, but we the people are rapidly losing that opportunity. As more families flock to Atlanta, more space is needed for the children and adults to play in a natural, not concrete environment. As more families arrive, more development occurs, hence less open land available for outdoor activity.

Unfortunately, a lot of this development is occurring within the river corridor. More people leads to more development which leads to less land to be used by more people. This circle will ruin the quality of the river and the quality of life for all park users, and eventually will make the whole region less desirable. In this hectic day and age, all the people, including yourselves, need a place to go for peace and quiet or to jog, picnic, canoe, or fish. Increasing the amount of park acreage by approximately 1,000 acres for the CRNRA will not solve the problem of completely protecting the quality of the river nor of maintaining the quality of life for the people, but it will certainly provide a good balance.

I could go on with reasons why the CRNRA should be enlarged, but I feel that if everyone's testimony is read and assimilated, one will obtain a complete picture of how wonderful this resource is and how vital it is for it to be protected.

In closing, critics of this bill usually are ones who oppose urban parks. I assure you this is not an urban park. It is a park which meets the national criteria, and it happens to be located in an urban area. This land contained qualities equivalent to those of western parks long before this area was ever urbanized.

The diversity is so great along the river corridor. This CRNRA will afford a quality of recreation use which rises above that normally associated with areas provided by State and local governments. I have traveled all over this country visitng national parks and experiencing their wonder. Believe me, rafting down the Chattahoochee River through the Palisades area, bird watching along the flood plain, and hiking to some of the rock shelters and mill ruins gives me the same peacefulness as I obtained out west.

Increasing the acreate of the CRNRA is a vital step in the protection of the river and the quality of life of park users.

I urge your support in this bill, and I thank you very much for your time and interest and consideration.

[The prepared statement of Ms. Winter follows:]

TESTIMONY OF
ALLISON A. WINTER

Before the Committee on

ENERGY AND NATURAL RESOURCES

Sub-Committee on

PUBLIC LANDS AND RESERVED WATER

HON. MALCOLM WALLOP, CHAIRMAN

On Behalf of

S 1218

May 17, 1984

Mr. Chairman:

I would like to thank you very much for the opportunity to testify on S 1218 here today, and to heartily endorse the bill. I represent the Georgia Conservancy on the Chattahoochee River Coalition and have participated in Coalition activities for the past two years. As a concerned citizen of the State of Georgia, I feel I may speak for other concerned citizens and visitors to the state on behalf of the river.

The Georgia Conservancy has long been involved in protecting and enhancing the quality of Georgia's environment and encourages the wise use of its natural resources. The Chattahoochee River is one of these. In order to achieve a balance between the needs of our society, economy, and natural systems, the enlargement of the Chattahoochee River Natural Recreation Area (CRNRA) is mandatory. The Conservancy's interest and action in this river's issues began in the 1960's and has continued strong throughout the years. The Conservancy was instrumental in the acquisition of part of the Jones Bridge tract, and will continue to support increasing the amount of park land. The quality of the Chattahoochee River affects the whole state of Georgia, and an increasing amount of park land has a definite positive influence on the quality of the River.

Even though I am a relative newcomer to the political scene concerning the Chattahoochee River and the CRNRA, I am quite familiar with the quality of life concerning the river. I have lived along the river for 20 years and have seen many changes take place. I grew up playing in clear creeks and forested areas; now those creeks are the true color of Georgia red clay, especially after a rainfall, and the forested areas are apartments and shopping centers. Every child needs to have the chance to play like Tom Sawyer, Huck Finn and Becky Thatcher. The Chattahoochee River is such a fantastic resource because it provides that opportunity in many places for so many kids of Atlanta now. Now, yes; but we the people are rapidly losing that opportunity. As more families flock to Atlanta, more space is needed for the children (and adults) to play in a natural (not concrete) environment. As more families arrive, more development occurs; hence, less open land available for outdoor activity. Unfortunately, a lot of this new development is occurring within the River corridor. More people leads to more development, which leads to less land to be used by more people. This circle will ruin the quality of the river and the quality of life for all the park users, and eventually make the whole region less desirable. In this hectic day and age, all the people (including yourselves) need a place to go for peace and quiet or to jog, picnic, canoe, or fish. Increasing the amount of park acreage (by approximately 1,000 acres) for the CRNRA will not solve the problem of completely protecting the quality of the river, nor of maintaining the quality of life for the people, but it will certainly help.

I could write for hours on reasons why the CRNRA should be enlarged, but I feel that if all the testimony is read and assimilated one would obtain a complete picture of how wonderful this resource is and how vital it is for it to be protected. In closing, critics of this bill usually are ones who oppose urban parks. I assure you that this is not an urban park, it is a National Park which just happens to be located in an urban area. The land contained qualities equivalent to those of "western" parks long before the area ever became urbanized. I have traveled all over this country visiting National Parks and experiencing their splendor. Believe me, rafting down the Chattahoochee River through the Palisades area, bird watching along the floodplain north of Morgan Falls Dam, and hiking to some of the rock shelters and mill ruins gives me the same peacefulness as I obtained out west. The Earth is the Lord's on loan to us. Let's not destroy it.

Senator WALLOP. Thank you very much, Ms. Winter. I want you to understand something, all of you, that this committee does the best by way of the national resource issues that come in front of it. We consider them carefully. If we weren't careful or rejected them out of hand—there is nothing that obliges us to hold a hearing.

There are real problems with which we have to struggle. This isn't only a problem for the people who live in and around Atlanta. It is a problem for the rest of America that must be solved. There are other people who are affected by the passage or the failure to pass this, and we understand that and we work hard.

The questions that I have been asking here today and ones that we will submit to the Park Service are real questions about real dollars and the real dimension of something at the conclusion of our effort, and I don't know how you get to it except by addressing the issue in a constructive sort of way.

If you can find $12 million and can assure me somehow or another that those $12 million will result in an additional thousand acres to all this, and won't stand in front of a lot of other people whose property has been taken from them, I would love to know it. We have been trying to find that here. We have been trying to balance all the issues of protecting resources for the future with fundamental obligations to citizens who are here and now. Some of those have been treated, as I have said earlier in this room, rather shabbily by the Congress and others.

If there is bad faith around, it has to be Congress because it is Congress that continues to authorize things and then refuses to fund them. It takes money from the Land and Water Conservation Fund and uses it to fund their reelection day dreams and a lot of other social programs and other things with moneys that aren't there because they belong in the place where they started, but there isn't the courage enough to raise the taxes to accomplish those things, so we take the money out of it.

I am as much to blame as anybody else. The point is in fact we are not going to arrive at sensible solutions to natural resource issues, public land and other things, by dropping into the gutter of name calling and by inflammatory language which does not add to the understanding of the issues that we have.

If I stated it too harshly, I apologize about that, but I feel very strongly about professionalism of Director Dickenson and his staff. As a career Park Service man, he came out of it. He knows the parks. He loves them as much as anybody in this country. He is neither a westerner nor an Eastern park man. He is a national park man, which is what he does and what he does well, so I think that when Congress worries about budgetary constraints, America I guess likes it in the abstract but rejects it in its specifics.

I think what we say is do something about the budget, but don't do anything about a budget that affects me. Do something about the taxes, but don't do anything about my taxes. Do something about all these problems in the country but leave me harmless. Relieve me of my obligations, my state, my county, my personal situation. I am free from that. I don't know how you deal with these issues. If I did, we wouldn't hold hearings. We would just play king and pass the ones we like and throw the rest away.

The process is one of trying to find out, A, what is important, and B, how you get it done, and I hope that maybe when we think about it before you testify again, Mr. Eldridge, that you will take the note from the other people from your State who came here to add to the conversation and to the dimension of knowledge.

I apologize for speaking loudly.

Mr. ELDRIDGE. The point I was trying to make, Senator, was that the 7,328, the coalition has worked out, it is not a cut and paste effort. We have worked diligently over the past several, 2 years, to come up with what we thought was not a movable feast but something that would give this Nation a good park from a good planning perspective, and that is what—and I didn't feel that the 3,600 acres that the National Park Service said stop at is adequate to provide a good national park or a national recreation area, and it was—the criteria that they used in the planning process never discussed budgetary constraint. That was only my point.

This is the forum, Congress is the forum to address those budgetary constraints, and it is very valid. I recognize that and did not mean to imply that they were not valid. They are very much valid, but I think they ought to be addressed in a forum stating the appropriations side where there are other competing interests as you have suggeste8 not only for other parks, but for other areas, other concerns for citizens of this country, so please don't misunderstand me, that all I was trying to point out is that we got—they shifted gears on us by bringing in criteria that had never been discussed in the 2-year long process.

Please don't think me naive. The budgetary constraints are valid constraints, but what we have tried to do here is come up with 7,328 acre park that is not a movable feast, that is workable, that will hopefully preserve the areas that should be preserved down there and at a value that is the least costly for the citizens of this country.

Senator WALLOP. Mr. Eldridge, two things come to mind.

One is by its very nature, the bill provides for the extinction of interests that are already in possession for others. It is a movable feast by definition.

Two is Russ Dickenson and others, a lot of people, some of whom I have known for years, others whom I don't know but only know to exist, are stuck in this rut of Congress' refusal to buy out their inholdings or the authorizations that Congress has made, and they have to deal personally all the time with that, and this problem is bigger than Chattahoochee. It includes it, but they have to live with people. The fellow down in Virginia who had cancer and couldn't sell his property to raise enough money to take care of himself, the only recommendation that we could make—and you are a lawyer, you understand—was if he wanted the country to pay for the property that it had taken from him he had to back a bulldozer up on it and start it down through the middle.

That's wrong. That hurts Director Dickinson. It hurts me, and it hurts the country because it is not the way we should go, so don't accuse them of bad faith when they look at the whole problem and are wrestling with one of the problems. I don't think that is what it was.

Mr. **Eldridge**. Let me also say I have told that directly to at least Bob Baker down in Atlanta, so please don't—I have told it to their face. I thought we got changed horses in midstream in the planning process, and that all of a sudden it stopped, and I recognize all of the concerns that you have mentioned.

Senator **Wallop**. I appreciate it and thank you all for your testimony today.

The hearing is adjourned.

[Whereupon, at 12:10 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

NEWT GINGRICH
SIXTH DISTRICT, GEORGIA

COMMITTEES:
PUBLIC WORKS AND
TRANSPORTATION

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May 17, 1984

Honorable Malcolm Wallop
Chairman
Subcommittee On Public Lands &
Reserved Water
308 Dirksen Senate Building
Washington, D.C. 20515

Dear Mr. Chairman:

Today, hearings were held in your subcommittee on S. 1218 and H.R. 2645. Although I was unable to testify at these hearings, I'd like to take this opportunity to state my wholehearted support for the Chattahoochee River National Recreation Area legislation that is before the Senate.

This legislation would increase the number of acres that could be bought in the recreation area from 6,300 acres to 7,328 acres. In addition, the bill also raises the ceiling on funding.

As a former teacher of environmental studies at West Georgia College, I know the importance of national parks and wildlife areas. The Chattahoochee River, called the River of Flowered Stones by the Creek Indians, is still, for the most part, an unspoiled area. Not only is there an abundance of wildlife and beautiful scenery along the Chattahoochee River, but the area is readily available to more than 2 million people in Metropolitan Atlanta and to millions more in the Southeast and the Nation.

This park allows visitors to get away to fish, hike, raft, canoe, camp, or any other number of outdoor activities which serve to renew the human spirit. I have spent many peaceful and enjoyable times along the banks of the Chattahoochee River.

I want to commend Senators Mack Mattingly and Sam Nunn for providing leadership to this legislation.

This park, so close to a major city, deserves protection and preservation. I urge my colleagues to show concern for our precious resources before it is too late. I urge you to support H.R. 2645-before this treasure is lost forever.

Sincerely,

Newt

Newt Gingrich

Atlanta
Chamber of Commerce

May 22, 1984

Official Committee File

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
MAY 24 1984
WASHINGTON, D.C. 20510

Senator James A. McClure
Chairman
Senate Committee on Energy and Natural
Resources
361 Senate Dirksen Office Building
Washington, D. C. 20510

Dear Senator McClure:

The Board of the Atlanta Chamber of Commerce unanimously supports the additional park acreage for the Chattahoochee River National Park System. Enclosed you will find a copy of the resolution passed at their board meeting on May 16.

In summary, it states our support of both the construction of a Re-Regulation Dam on the Chattahoochee River for future water supply and the expansion of the Chattahoochee River National Recreation area, with the provision that the expansion legislation be modified to accommodate the Re-Regulation Dam. We are working with Senators Nunn and Mattingly on this modification.

We urge your favorable consideration of the proposal for we believe that this 48-mile stretch of river is unique to any urban area in the United States and is deserving of favorable Senate action.

Sincerely yours,

Gerald L Bartels
Gerald L. Bartels
Executive Vice President

GLB:rg
Enclosure

POSITION PAPER
CONCERNING THE CHATTAHOOCHEE RIVER CORRIDOR

After long and careful study by the Water Resources Task Force of the Chamber, the Board of Directors adopted a resolution supporting construction of the Re-Regulation Dam on the Chattahoochee River, as recommended by the Metro Atlanta Water Resources Study, prepared by the U.S. Army Corps of Engineers, in conjunction with the Atlanta Regional Commission and the State Environmental Protection Division. In this study it was determined that the Re-Regulation Dam was the most cost effective alternative for meeting the future water supply needs of the region.

The Chamber also recognizes the importance of the 48-mile segment of the Chattahoochee River Corridor, from Peachtree Creek to Buford Dam, as a significant enviornmental resource, not only to the region, but to the nation as well.

The Chamber applauds the efforts of those seeking to preserve portions of this natural asset for future generations to enjoy and use.

Mindful of the pressures being placed on the corridor in its role as a source for future water supply and high quality recreational experiences, efforts to utilize this resource at its optimum level have our support and concurrence. The Chamber's position concerning the key issues facing the Chattahoochee Corridor, therefore are:

1. We endorse and support the need for construction of the Re-Regulation Dam 6.2 miles South of Buford Dam for future long-range water supply.

2. We endorse Congressman Levitas' resolution (H.R. 2645), to add an additonal appropriation of twelve million dollars and 1,100 acres to the previously authorized Chattahoochee River National Recreation area, with the proviso that the total mitigated damages be limited to 10 percent of the cost of the Re-Regulation Dam. Furthermore, we urge that proposed Level Creek unit not be included in the park expansion, or that it be modified to specifically accommodate the Re-Regulation Dam.

D.A.L.
5/4/84

APR 1 3 1984

Tony

[illegible] Committee File

ENERG[illegible] RESOURCES
RECEIVED
APR 13 84

Dear Senator McClure,

Please help push bill S1218 out of committee so it can be passed and sighed this session. It is very important to those of us living in Georgia and loving our natural resources.

Thank you.

Jeanne Schwalb
3491 Inman Hill
Marietta, Ga 30067

Congress of the United States
Washington, D.C. 20515

May 25, 1984

Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands
 and Reserved Water
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We want to take this opportunity to express our sincere gratitude for last week's hearing on H.R. 1341, to designate the Mono Basin National Forest Scenic Area. This is the fourth year legislation relating to Mono Lake has been worked on, and we feel that a fair compromise finally has been reached between Los Angeles' legitimate water rights and the desire of Mono County residents to recognize and protect what they believe is a national treasure.

We are pleased with the extremely favorable testimony given on H.R. 1341. However, we wish to address those concerns raised by the Forest Service.

1. Mandatory Construction and Operation of a Visitor Center - We appreciate the fiscal concerns expressed by the Forest Service and we would not object to discretionary language. We would point out that in our opinion a visitor center is a very important part of a newly designated Scenic Area. Because of the proximity of Yosemite National Park (about 15 miles west of Mono Lake), even without national designation 100,000 vehicles each containing an average of 2.5 persons enter the Park via Highway 120 (near the lake in Lee Vining Canyon) each year. The California State Tufa Reserve in the area recorded well over 100,000 visitors in 1983 and we are told these figures represent a tripling of visitor use in the last few years.

   With heavy use of the area which already exists and which in all probability will increase substantially, we strongly believe a visitor center is justified to interpret resources of the area, educate visitors and school children in nearby community schools and to protect the resources from misuse and vandalism.

Information supplied by the Bureau of Land Management (BLM) for the House hearing record on H. R. 1341 in 1983 indicates that existing visitor management resources are inadequate, with only one permanent federal employee present four days a week for approximately six months of the year.

With regard to specific figures on annual visitor center maintenance costs, the Congressional Budget Office (CBO) provided an extimate of $85,000 per year in contrast to the $200,000 estimate provided by the Forest Service.

2. Mandatory expenditures for a Management Plan for the new Scenic Area - We feel a management plan for the new Scenic Area is integral to successful management of the area for decades to come. Because the Mono Basin is unique and H. R. 1341 if enacted would mandate special management direction to the Forest Service, we feel a plan is essential before the Forest Service could carry out the management requirements of the bill. As an example, it would be absolutely necessary to inventory natural (including geologic) and cultural resources and provide for both their use by visitors and scientists and for their protection in the most efficient manner possible.

In particular, because of language in H. R. 1341 to allow such uses as hunting, fishing and continued commercial brine shrimp operations, it is important for safe public use of the Mono Basin National Forest Scenic Area that a management plan specific to the area be developed. If the Forest Service can pare back the costs of such plan by utilizing existing data from the Inyo National Forest Management Plan, we would have no objection so long as the specific needs of the new Scenic Area are also addressed.

3. Mandatory expenditures for the study of the ecology of the Scenic Area - This is one of the most important features of H. R. 1341 and indeed can provide the baseline date essential for the longterm resolution by the state of problems associated with declining water levels at Mono Lake.

House testimony on H. R. 1341 and other bills in previous years reveal highly conflicting information about the impact of declining lake levels on wildlife and other natural resources. Scientists from the environmental community have painted a disastrous picture of the future of the lake and surrounding environment if diversions continue at the present level. Scientists under contract with Los Angeles have portrayed a much, much brighter picture.

We believe that an independent study by the National Academy of Sciences (NAS) based on facts, not preconceived biases, is a cornerstone of this legislation. Such study by the National Academy of Sciences would provide an objective yardstick for future decisionmaking. It is important to note that the consumptive use study of Mono Lake and alternative water sources was eliminated as part of this compromise, and this change produced a substantial cost reduction as well. The bill itself does not specify how much the National Academy of Sciences' study will cost, and it may be that $950,000 is somewhat inflated.

Particularly for Northern Californians and our local residents of Mono County, retention of a study of the ecology of the Scenic Area (especially declining lake levels) is an important ingredient in the compromise embodied in H. R. 1341. The NAS study is as important to the compromise to local residents as is language assuring Los Angeles that the federal government will not interfere in state water rights.

4. Acquisition of Private Property - We share the sensitivity of the Chairman and the Forest Service on this matter. In fact, several amendments were adopted by the House pursuant to suggestions made by local landowners. Section 3(a) of the original H. R. 1341 relating to property acquisition was amended from "shall acquire" to "is authorized to acquire." In addition, we amended H. R. 1341 to make it clear that reconstruction or expansion of existing buildings on private property by as much as 100% and construction of support development will not be considered as detrimental to the Scenic Area. It would be up to the Forest Service to assess whether new construction would be detrimental or not. To provide guidance to the Forest Service and to emphasize that our intent is not to acquire private land unless the Scenic

Area is threatened by some egregious development, the House Report No. 98-291 accompanying H. R. 1341 states on page eight that ". . . federal acquisition of private property is not intended as the normal course of management of the Scenic Area."

About 80% of the proposed area is federal with only 7% in private ownership. We appreciate your concerns about the costs and priorities of acquisition and strongly believe that House amendments to H. R. 1341 plus report language have satisfied our local constituents as well as federal concerns. Local officials from Mono County have expressed their emphatic support on this issue following House adoption of the aforementioned language.

5. Geothermal Development - Mr. Chairman, in recognition of the significance of geothermal development in the Long Valley area, staff members have met with at least one major producer (Phillips) to discuss this matter in the course of bill development. We were informed that most geothermal developers believe that the best commercially viable geothermal areas are south of the Scenic Area boundary.

These discussions were confirmed by further consultation with Mono County officials who note that some drilling in the proposed Scenic Area occurred in the early 1970's and was unproductive. Mono County officials also pointed out that there are many thousands of acres with potential for geothermal development outside the proposed Scenic Area and they prefer that the Scenic Area, therefore, be reserved for other purposes such as recreation.

We support geothermal development in Mono County outside the proposed Scenic Area. We are working with local government and the Forest Service in pursuit of this goal.

Mr. Chairman, we hope we have satisfactorily addressed any concerns you may have about H.R. 1341 as amended. Again, we thank you for the time you took to hold hearings on this legislation, and we respectfully request that the Senate Energy and Natural Resources Committee mark up H.R. 1341 at the earliest possible date.

Sincerely,

Pete Wilson
PETE WILSON
U.S. Senator

Alan Cranston
ALAN CRANSTON
U.S. Senator

RICHARD H. LEHMAN
U.S. Respresentative

5E-5

STATEMENT OF CONGRESSMAN CARLOS MOORHEAD SUBMITTED TO THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE ON H.R. 1341 A BILL TO "ESTABLISH THE MONO BASIN NATIONAL FOREST SCENIC AREA" MAY 17, 1983

Mr. Chairman, since I had the opportunity to testify in several House hearings on this subject, I wish to make some remarks on the background relating to the development of H.R. 1341, as amended, a bill to establish the Mono Basin National Forest Scenic Area in the State of California.

In summary, H.R. 1341, as now structured, is a land management bill which establishes the Mono Basin National Forest Scenic Area and transfers administrative jurisdiction of all Federal lands in the area to the Secretary of Agriculture for administration by the Forest Service pursuant to the Act. The area contained within the Scenic Area includes a segment of the eastern escarpment of the Sierra Nevada, Mono Lake and several volcanic craters.

Mr. Chairman, since the major purpose of the bill is to address various land management factors, it is important that I emphasis why this bill, as now structured, makes it clear that the Secretary is directed to manage the Scenic Area in a manner consistent with the protection of water rights of the State of California or any political subdivision thereof, including the City of Los Angeles, and that such management, under the provisions of this Act, shall not affect or impair the operation of any water diversion activity in the Mono Basin or the Scenic Area granted under the laws of the State of California.

In recent years, public controversy has developed over the best use of fresh water from four of the seven streams which are tributary to saline Mono Lake in Mono County, 340 miles north of Los Angeles. Since 1941, these streams have been diverted into the Los Angeles Aqueduct System and now account for one-sixth of the City's water supply, enough for about 500,000 people. This diversion of about 100,000 acre-feet of water annually also provides clean hydroelectric power, amounting to 300 million kilowatt-hours annually, as the water flows through power plants along the all-gravity aqueduct system en route to Los Angeles. Today, the total direct replacement cost for these water and energy supplies would be nearly $40 million annually.

The Mono Lake environment and the changes resulting from Los Angeles' continuing use of water from the Mono Basin continue to be the focus of environmental interest. In the courts, a major lawsuit seeking to restrict or eliminate the City's use of fresh water from the Mono Basin is underway. On February 17, 1983, the California Supreme Court issued its long-awaited decision in National Audubon Society, et al, v. the Supreme Court of Alpine County, known as the Mono Lake lawsuit. Some attorneys consider this to be the most important water rights decision in the history of California water law. The greatest significance of the Court's decision is that many appropriative water rights in the State of California, no matter how long they were held, henceforth will be subject to review and potential reallocation under the public trust doctrine by either the Courts or the California State Water Resource Control Board. Moreover, under the Court's ruling, a court or appropriate administrative body, in deliberating on the City's water diversions, will consider the public trust values of the Mono Basin area and balance these values with the water needs of the people of the City of Los Angeles.

Turning now to the subject legislation and its relationship to this situation--in my view, Mr. Chairman, it is absolutely necessary that Congress be as clear as possible on one single, critical point--that water rights and the exercise of such water rights be fully protected. As you know, water rights and water supply are sacred in California and in the Western States.

On this point, I would like to emphasis that sections 4(b)(1) and 4(h) of the bill contain pertinent water rights language. H.R. 1341 and House Report No. 98-291 together make it clear that:

First, the rights to use water tributary to Mono Lake, and the manner of exercise of such rights is a matter to be administered by the State of California, and changes in the level of Mono Lake due to the City's water operations shall not be deemed contrary to the Act.

Second, the Secretary is directed to develop a comprehensive management plan for the Scenic Area which is consistent with the protection of water rights. The plan authorized by this Act is not intended to include provisions that will affect, in any way, any aspect of the City's operation of its water supply facilities in the Mono Basin including the Scenic Area and

Third, the Advisory Board is intended to provide advice to the Secretary regarding land management of the Scenic Area but it is not chartered by the Act to pursue an advisory role related to matters affecting any water rights issue.

In closing Mr. Chairman, I have pondered whether it is wise for Congress to make a special federal designation of the Mono Basin area at a time when critical State decisions have and will be made regarding Los Angeles' future use of its Mono Basin water supply. It is my strong belief that Congress should not be a party, or an agent, directly or indirectly, in "tipping the scales", one way or the other, regarding the natural resource values of the area unless there are strong provisions to protect the water rights concerns. I know too well, that no matter how much care we take in developing water related legislation to ensure that it not be used to restrict or terminate existing water appropriations and uses and to make future developments of water resources for beneficial uses possible without undue burden, we cannot absolutely guarantee that the enacted legislation will be free of legal debate. In effecting the compromise on H.R. 1341, it was the intent of the parties that State law and the legal proceedings following the Mono Lake lawsuit would settle and control the rate of diversion and the ultimate level of Mono Lake. I believe that H.R. 1341, as now designed, is a constructive measure because it would provide improved federal management of the natural and recreational resources of the Mono Basin without affecting the water rights granted by the State of California to the City of Los Angeles and maintains absolute neutrality regarding pending litigation involving those rights. I would hope that this bill is implemented in the same spirit which was intended by its authors and achieves these particular objectives.

mw

SEAL OF THE SENATE OF THE STATE OF CALIFORNIA

John Garamendi
SENATE MAJORITY LEADER

COMMITTEES
FINANCE
NATURAL RESOURCES AND WILDLIFE
ENERGY & PUBLIC UTILITIES
ELECTIONS AND REAPPORTIONMENT
REVENUE AND TAXATION
JOINT COMMITTEE ON THE ARTS

May 15, 1984

Senator Malcolm Wallop, Chair
Senate Subcommittee on Public
Lands and Reserved Water
Dirkson Building, Room 308
Washington, D.C. 20510

Dear Senator Wallop:

I wish to express my support for H.R. 1341 which will establish a national forest scenic area at Mono Lake. The creation of such a scenic area would be a small but significant step toward the eventual preservation of the Lake and its surroundings.

Having represented Mono Lake at the state level, I am personally acquainted with the area's extraordinary beauty and wildlife values. Bordered by spectacular 13,000 foot peaks of the Sierras, Mono Lake, with its delicate tufa formations, vast flocks of birds, and two volcanic islands, is a unique and irreplaceable part of America's natural heritage.

Not only does Mono Lake merit special national recognition, it needs the special protection afforded through this scenic area designation. Already tens of thousands of people from around the world visit the Lake each year, and their numbers are growing as publications of international stature such as National Geographic, Life, Smithsonian, Audubon, and Sunset magazines feature articles on Mono Lake. Management provisions within H.R. 1341 ensure that Mono Lake will be protected while, at the same time, people are being encouraged to visit this national treasure. The proposed scenic area would also be a welcome compliment to the recently established Mono Lake Tufa State Reserve which protects exposed tufa formations on property owned by the State of California in Mono Basin.

The time has come to formally recognize the national stature of the federal lands in and around Mono Lake. I am pleased to join California Senators Alan Cranston and Pete Wilson,

STATE CAPITOL, ROOM 313, SACRAMENTO 95814, (916) 445-2407
DISTRICT OFFICE, 31 E. CHANNEL STREET, ROOM 440, STOCKTON 95202, (209) 948-7930

California Governor George Deukmejian, the City of Los Angeles, Mono County officials, and the many public interest groups and private citizens who want to preserve Mono Lake in supporting the formation of the Mono Basin National Forest Scenic Area.

H.R. 1341 is a step in the right direction and deserves your support.

Sincerely,

John Garamendi

JOHN GARAMENDI

JG/pyh

HR1341

SACRAMENTO ADDRESS
STATE CAPITOL
SACRAMENTO 95814
(916) 445-8343

DISTRICT OFFICES
MAIN DISTRICT OFFICE
250 MAIN STREET
PLACERVILLE CA 95667
(916) 626-4954

33 BROADWAY
JACKSON CA 95642
(209) 223-3589

9 NO WASHINGTON ST
SONORA CA 95370
(209) 533-5665

Assembly
California Legislature

NORMAN S. WATERS
MEMBER OF THE ASSEMBLY
SEVENTH DISTRICT
CHAIRMAN
AGRICULTURE COMMITTEE

CHAIRMAN
SELECT COMMITTEE ON
ECONOMIC PROBLEMS IN TIMBER
AND RELATED INDUSTRIES

MEMBER
AGING AND LONG TERM CARE
NATURAL RESOURCES COMMITTEE
WATER, PARKS AND WILDLIFE COMMITTEE
WESTERN STATES
FORESTRY TASK FORCE
JOINT COMMITTEE ON FAIRS
ALLOCATION AND CLASSIFICATION
WILDLIFE CONSERVATION BOARD
WESTERN CONFERENCE OF
COUNCIL OF STATE GOVERNMENTS

June 5, 1984

Senator Malcolm Wallop
Chairman, Senate Subcommittee on
Public Lands and Reserved Water
Dirkson Building, #308
Washington D.C. 20510

Dear Senator Wallop:

I wish to express my support of H.R. 1341, authored by Congressman Lehman, which would establish a national forest scenic area at Mono Lake.

As the Assemblyman who represents the Mono Lake area, I have long worked for the protection of this remarkable natural treasure. Mono Lake is truly one of America's most extraordinary natural areas. Its highly productive ecosystem supports millions of birds, offering the single most important nesting area for the State's population of California gulls, and an essential migratory stop for Eared grebes of Wilson's phalaropes, Northern phalaropes, and 79 other species of water birds. In addition, the lands surrounding Mono Lake provide recreation opportunities for tens of thousands of visitors each year and is a laboratory for ecological research.

The creation of the scenic area will give formal, federal recognition to these unique values. Equally important, the designation will ensure that Mono Lake and its surroundings will be managed to preserve its special geologic and scenic qualities and recreational opportunities. The establishment of this scenic area will be an appropriate counterpart to the Mono Lake State Tufa Reserve which I co-sponsored in the California Legislature.

HR 1341 has been endorsed by a broad coalition of governmental representatives and environmental groups including California Senators Pete Wilson and Alan Cranston, California Governor George Deukmejian, Mono County officials, the city of Los Angels, the Sierra Club, National Audubon Society, Friends of the Earth, and many others. I am pleased to join them in support of the establishment of the Mono Basin National Forest Scenic Area.

I believe the time has come to formally recognize the national stature of the federal lands in and around Mono Lake and urge you to support HR 1341.

Sincerely,

NORM WATERS
NSW:ls

LEE VINING CHAMBER OF COMMERCE
P. O. Box 130, Lee Vining, California 93641

Senator Malcom Wallop
Chairman, Senate Subcommittee on Public Land and Reserved Water
S.D. 308
Washington, D.C. 20510

Dear Senator Wallop:

On behalf of the Lee Vining Chamber of Commerce, it is my pleasure to affirm our support for H.R. 1341 and the Mono Basin National Forest Scenic Area.

As residents in the Mono Lake area, we feel especially priviledged to welcome people from across the country and around the world to one of God's most beautiful creations. The unique and delicate tufa towers, the volcanic cinder cones and majestic Mono Lake itself where thousands of birds annually make their migratory stop provide a scenic landscape like no other. This area does need to be preserved, and this bill would do just that.

Having the Forest Service oversee the Scenic Area would leave it open to those who use it for recreation, hunting and the like without undo restrictions.

We are a small community of less than a thousand people. Most of us depend on tourism for our livelihood, as we are located only 14 miles from the east entrance to Yosemite National Park. The Mono Basin Scenic Area will open one of America's most extraordinary natural treasure to millions of our visitors. In so doing, it will also help our local, tourist-based economy.

We are especially pleased by provisions in H.R. 1341 for a visitor center and for studies to evaluate the impact of water diversions on Mono Lake. The visitor center will inform our visitors about Mono's many natural wonders, and the study will help solve the problem of preserving a living and healthy Mono Lake.

Sincerely,

Ken Steege

Ken Steege

POINT REYES BIRD OBSERVATORY
4990 Shoreline Highway, Stinson Beach, California 94970
Telephone (415) 868-1221

Box 31
Lee Vining, CA 93541

Senator Malcom Wallop
Chairman, Senate Subcommittee on
Public Land and Reserved Water
S.D. 308
Washington, D.C. 20510

Dear Senator Wallop:

I am a staff biologist with the Point Reyes Bird Observatory, a private non-profit research, conservation, and education organization. P.R.B.O. has had a long involvement with bird research in the Mono Basin. I am currently conducting research for the second year as a continuation of a longterm study of the ecology and population dynamics of nesting California Gulls at Mono Lake initiated by David Winkler of the University of California at Berkeley. I am writing to urge your strong support of H.R. 1341, the Mono Basin National Forest Scenic Area bill, as the scenic and ecological values of Mono Lake are extremely important on the national level.

Mono Lake provides critical feeding and nesting habitat for numerous species of waterbirds, foremost among these are the Eared Grebe, Wilson's Phalarope, and California Gull. Continuing diversions of Mono Lakes' tributary streams by the Los Angeles Department of Water and Power at their current rates are likely to threaten the populations of these species of birds at some point. Although there has been considerable research on various aspects of the lakes' ecology there are still many important unanswered questions to be resolved regarding what lake level will support healthy wildlife populations.

For these reasons I not only request your strong support of the bill but also urge you to press for maximum funding of research on Mono Lakes' ecology. To date there has been minimal funding available for scientific research. Many scientists have worked on shoestring budgets, bolstered only by their strong dedication to providing objective data to help solve the lakes' water problems. I speak from direct experience as we are currently well into our field season without yet having received any funding from our grant requests. Only with adequate funding for scientific research can a realistic and balanced water management plan be formulated for Mono Lake.

Sincerely,
W. David Shuford
W. David Shuford

Department of Zoology
Oregon State University
Corvallis, OR 97331

10 May 1984

Senator Mark Hatfield
New Senate Office Building
Washington, D.C. 20510

Dear Senator Hatfield,

I am a research candidate at Oregon State University and have been involved in biological studies at saline lakes, including Oregon's Abert Lake and California's Mono Lake, for eight years. These unique ecosystems have shown themselves to be ecologically sensitive to changes in water supply from tributary streams. Since these lakes serve as feeding and nesting habitat for hundreds of thousands of water birds, changes in water supply may adversely affect the quality of these lakes for wildlife. Mono Lake has experienced declining lake levels and increasing salt content of its waters since 1940 when the principal steams flowing into it were diverted to the city of Los Angeles.

I want to bring to your attention a legislative bill which will provide essential funds for research into the impacts of water diversions on the integrity of the Mono Lake ecosystem. H.R. 1341, introduced by Representative Lehman of California is scheduled for hearing before the Senate Subcommittee on Public Lands and Reserved Water in the near future. This bill has the support of the Governor, the city of Los Angeles and a wide range of conservation groups.

H.R. 1341 recognizes the scenic values, wildlife resources and historical values of this lake and most important from my perspective, provides research funding administered by an objective and highly regarded body- the National Academy of Sciences. I urge you to support this bill completely so that scientific questions may be resolved and a balanced water management policy is formulated for Mono Lake. I might add that at present my own research endeavors and those of others with prolonged research experience at Mono Lake are without any source of financial support- in good faith and dedication however, our research has continued.

I am prepared to provide at any time detailed descriptions of environmental research necessary to clarify problems of the relation of water supply to ecological integrity at Mono Lake. These recommendations have been formulated in consultation with other research scientists active in this area.

Sincerely,

David B. Herbst

David B. Herbst

To: Chairman Malcolm Wallop, Subcommittee on Public Lands and
Reserved Water

From: Robert S. Jellison, University of California,
Santa Barbara 93106

Re: In support of HR 7341, a bill to create the Mono Basin
National Scenic Area, May 17, 1984

Dear Chairman Wallop, 11 May 1984

The Mono Basin is a unique national resource. The area's volcanic landforms, the saline lake with its strange tufa towers, the Sierran backdrop and Great Basin desert all combine to form an area of unparalleled beauty and contrasts. In addition, the productive lake waters are essential to large nesting and migratory bird populations. The recreational use of the area is increasing as the public becomes aware of this national treasure. I strongly support the bill to create the Mono Basin National Scenic Area.

Concern over the effects of increasing salinities and lowered lake levels on the recreational and wildlife values of the basin has led to various research activities. Over the past three years I have investigated the plankton dynamics in a effort to further our understanding of the nutrient cycling in the lake. I feel that this type of knowledge is necessary to monitor and interpret changes in the ecosytem.

In supporting HR7341 I am particularly hopeful that the part authorizing research by the National Academy of Sciences will be retained. Recent research has documented changes that have occurred at the lake and also the probable effects of increasing salinities. However, there are still several critical questions that need to be addressed in order to manage the Mono Lake Basin. The continued integrity of the Mono ecosystem can only be achieved by management based on sound knowledge of the various species involved and their interactions. We currently lack this knowledge. The proposed funding for further research is a necessary part of preserving this resource.

Sincerely,

Robert S Jellison

Robert S Jellison
Research Associate

To: Chairman Malcolm Wallop, Subcommittee on Public Lands and
Reserved Water

From: Gayle L. Dana, Marine Sciences Institute, University of
California, Santa Barbara 93106

Re: In support of HR 7341, a bill to create the Mono Basin
National Scenic Area, May 17, 1984

Dear Chairman Wallop, 10 May 1984

I am a Staff Research Associate with the Marine Sciences Institute at the University of California, Santa Barbara. I have been doing research on Mono Lake since 1976 which has focused on the impacts of water diversions and increased salinity on the Mono Lake brine shrimp.

As you well know, Mono Lake is an important ecosystem which supports millions of nesting and migrating birds. This abundance of wildlife is only one of the many attributes which contributes to Mono Lake's splendor. Its physical setting next to the Sierran crest rising up to 13,000 feet to the west and the spacious Sonoran desert spreading to the east, along with its many geological features rank Mono Lake as one of our country's natural treasures.

As a biologist, I especially concerned about maintaining the integrity of the Mono Lake ecosystem. My research indicates that continued water diversions and increased salinity will result in an inviable brine shrimp population long before the stabilization level of the lake is reached. This will have a detrimental impact on the many bird species that depend on the brine shrimp as their main food source.

An important part of HR 7341 authorizes research by the National Academy of Sciences for determining the optimal water levels for Mono Lake. This sort of research is a critical step towards maintaining a viable ecosystem at Mono Lake in the future. Responsible management of an ecosystem requires a thorough understanding of the individual components as well as the processes driving the system. HR 4341 would provide an objective forum for such research.

Sircerely,
Gayle L. Dana
Gayle L. Dana
Staff Research Associate

FRIENDS OF THE EARTH

1045 SANSOME STREET SAN FRANCISCO CALIFORNIA 94111

(415) 433-7373

May 14, 1984

The Honorable Malcolm Wallop, Chairman
Senate Subcommittee on Public Lands and Reserved Water
S.D. #308
Washington, DC 20510

Dear Senator Wallop:

Friends of the Earth would like to make these comments for the record on HR-1341, the Mono Basin National Forest Scenic Area Bill.

The Mono Basin deserves national recognition as a major scenic resource, as a vital wildlife resource, and as a treasure-house of biologic and geologic information.

The Mono Basin is dramatic and beautiful. Its geography is stunning. The eastern wall of the Sierra Nevada rises 3,000 to 6,000 feet above the basin to the west. The more distant White Mountains to the southeast rise as defiantly, rivaling the Sierra summits with their own of 14,000 feet. Other mountains that are within or on the basin's boundary imply human history and their own volcanic origins by their names: the Bodie Hills, Cowtrack Mountain, Cedar Hill, Glass Mountain, and the Mono Craters--a string of cones so fresh one can mistake clouds on their ashy summits for steam. Sage and rabbitbrush blanket the flats and lower slopes; pinyons and junipers are scattered higher; Jeffrey pines slip in behind the Mono Craters, growing where a bit more moisture comes through the Sierra's Mammoth Gap to the South.

Completing the scene, Mono Lake sits like an opal in a silver setting. It is a giant circle of a lake with a peninsular infolding of an ancient volcano on its northern shore. Paoha Island, white and ashy, lies low in the water several miles offshore. There is a growing white alkalai ring around the shoreline and strange and beautiful white tufa towers stand tall in the marshy springs of the lake's edge.

Mono is thought to be among the oldest lakes on our continent. It is one of the largest in the West and its waters are unique. The tufa towers within its depths, and those now exposed on shore as water levels drop, inspire awe and questions about unknown processes that formed them.

The life within the lake--the brine shrimp and brine flies--are able to survive Mono's saline and alkaline brew when most other life cannot. And they, in turn, allow millions of birds to nest or rest during annual migrations at Mono.

The lake is an invaluable resource to life, and also to people. Its shore was the home of Paiute people for untold generations. It was looked on with wonder when the first miners saw it in the 1850's. It has been described in literature with love of its beauty, its healing waters, and its life, or with disgust at its strangeness. But it has always been noted. And now, it has become a major point to visit in California for travelers from around the country and around the world. 120,000 visited the Tufa State Reserve last year. More visited other parts of the lake and basin.

Researchers study the active geology, monitoring earthquakes and magnetic fields to learn more about the magma beneath the basin. When will it force eruptions of the craters again? Their past record of activity and their potential for more in the future make the area an essential outdoor laboratory.

Biologists study the life of the lake. Chemists its waters. Ecologists both. School classes take field trips there. Photographers and artists lead seminars. And those who visit know Mono as a place which offers a unique combination of beauty and life and natural processes that inspires wonder and awe and humility.

The Mono Basin is eminently deserving of national recognition as the valuable resource that it is. It deserves the care in handling that would be accorded by such recognition; that Mono's worth intact is greater for all people now and in the future than would be its worth hacked up and sold piecemeal for profit. Its life and natural processes deserve to be understood better and funding at the national level for research can help see that happen through the auspices of the National Academy of Sciences. Future generations deserve the right to be filled with wonder and awe and humility at seeing a whole Mono Country scene. Present generations deserve the right to be thanked by those that follow for looking out for their interest in having an earth as beautiful as our own. HR-1341 would be a large step toward the recognition and protection that this country ought to grant one of its most important natural treasures. Friends of the Earth urges the quick passage of the Mono Basin National Forest Scenic Area Bill.

Sincerely,

David R. Brower

David R. Brower,
Chairman

SIERRA CLUB

Las Vegas Group of TOIYABE CHAPTER
P.O. Box 19777, Las Vegas, Nevada 89119

1984 [illegible] 2:05

May 25, 1984

Senator Malcolm Wallop
Chairman
Public Lands and Reserved Water Subcomm.
Attn: Tony Vinetto
Senate Building 308
Washington, D.C. 20510

Dear Senator Wallop:

I would like to express the support of the Sierra Club, Las Vegas Group for H.R. 1341, designating a Mono Basin National Forest Scenic Area. This bill has a broad coalition of support, from both Californians and Nevadans.

Mono Lake is a highly scenic area, with truly unique natural resources. There are many management problems concerned with the lake; and certainly the biggest threat to the Lake's continued unique existence is the continuing drainage by Los Angeles of its water resources.

We feel that designating the area as a National Scenic Area will help draw people's attention to the unique ecosystem and extraordinary beauty of the area. Such attention will undoubtedly help focus efforts to save the Lake. Please do everything you can to expedite passage of this bill.

Sincerely,

Cheri Cinkoske

Cheri Cinkoske
Conservation Chairperson

KELSEY'S **SIERRA STUDIOS** Rt 2 Box 315 SWALL MEADOWS BISHOP, CA. 93514 714-387-2723

Senator Malcolm Wallop, Chairman
Senate Sub Committee
Public Lands and Reserved Waters
United States Senate
Washington B. C.

Dear Senator Wallop;

As chairman of the Mono County Chamber of Commerce, it is my express pleasure to set forth here that bodies enthusiastic support of House Bill H.R. 1341, the Mono Basin National Forest Scenic Area Bill.

This very unique area of California with its enormous ecological value, qualifies emminantly for this special designation. The scenic, geological and historical properties of the area as well as the siesmic study potential represent priceless treasures for present and future generations.

From a purely Chamber of Commerce point of view, the preservation and enhancemant of the Mono Basin provides this county a protected natural resource supporting the major industry of the region, tourism.

The Mono County Chamber of Commerce, does therefore, urge you and your committee to look favorably on this legislation and its early passage into law.

Respectfully,

W. A. Kelsey, Chairman
MONO COUNTY CHAMBER OF COMMERCE

MAMMOTH LAKES CHAMBER OF COMMERCE
P.O. Box 123 • Mammoth Lakes, California 93546 • (619) 934-2712

May 14, 1984

The Honorable Senator Malcolm Wallop
Chairman, Senate Sub-Committee
Public Land and Reserved Waters
United States Senate
Washington D. C.

Re: House Bill H.R. 1341, Mono Basin National Forest Scenic Area Bill.

Dear Senator Wallop:

Be it resolved that the Mammoth Lakes Chamber of Commerce is in support of the Mono Basin National Forest Scenic Area Bill, House Bill H.R. 1341. We believe the natural beauty of Mono Lake should be preserved for future generations to enjoy and treasure as we do today.

Sincerely,

Gary Flynn

Gary Flynn
President
Mammoth Lakes Chamber of Commerce

May 14, 1984

Senator Malcolm Wallop
Chairman, Subcommittee on Public Lands
U. S. Senate
S. D. Bldg. #308
Washington, D. C.

RE: Hearings on H.R. 1341: Mono Basin Nat'l Forest Scenic Area Bill

ATTENTION: Tony Bevinetto, Aide

Dear Senator Wallop:

I am writing in support of H. R. 1341 because I believe it is absolutely vital that the Mono Basin area should be protected and preserved for future generations.

My family has camped in the Sierra Nevada for four generations and loved it for its beauty as well as its recreational values; my children enjoy it now. Mono Lake is one of the unique features of the Sierra which is duplicated nowhere else, and I would hate to think that my grandchildren, as well as everyone else's, would never see it, or be able to learn from its historic and natural values.

Having recently attended a UCLA Conference on the Mono dispute, I realize that funding for sound, non-biased research is absolutely essential for a resolution of this controversial matter, so I sincerely hope that this feature of H. R. 1341 can be retained.

Thank you for your attention, and for the Subcommittee's consideration.

Sincerely,

Patricia C. Bell

Patricia C. Bell

Patricia C. Bell
6700 Telephone Rd., #402
Ventura, CA 93003

P.O. Box 27
Lee Vining, CA 93541

13 May 1984

Honorable Malcom Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
SD 308
Washington D.C., 20510

Dear Senator Wallop,

Mono Lake needs your help. Support from the Subcommittee on Public Lands and Reserved Water will mean a great deal to the chances of passage of the Mono Lake National Forest Scenic Area bill before congress. This designation and the provisions in the bill are agreeable to the Los Angeles Department of Water and Power, the Mono Lake Committee, and the local residents. We are especially concerned that the provision for funding of further research be retained because it will increase our understanding of this unique resource, and will enable it to be managed for many future generations to enjoy.

Yours truly,

Lawrence D Ford

Lawrence D. Ford

Meredith Helland Ford

Meredith Helland Ford

DOROTHY GREEN
801 HOLMBY AVE. LOS ANGELES, CALIFORNIA 90024 270-4151

May 12. 1984

Senator Malcolm Wallop, Chair
Senate Subcommittee on
Public Land and Reserved Water
SD 308
Washington, D. C. 20510

Dear Senator Wallop:

Please support HR 1341. the bill that would provide funding for a study of the Mono Basin National Scenic Area to be carried out by the National Academy of Science.

The Mono Basin is a truly unique place on this earth. It contains very special geographic features, and an ecosystem found no where else. It deserves preservation, and to do that, the basin also needs to be better understood. There if much for the scientific community to do there if indeed this special and very beautiful place is to be valued as we who have experienced it value it.

Thank you for the support that I know you will give to this project.

Sincerely,

Dorothy Green